



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Tenth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.492 of 2019

1 PRATHAB SINGH
2 JENISH KUMAR

... PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE SUB INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.
IN CRIME NO.263 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.K.RAJESHWARAN, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

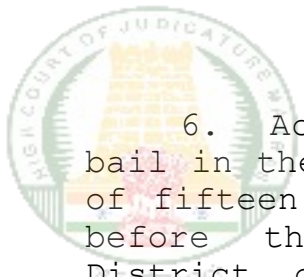
The petitioners, apprehending arrest at the hands of the respondent police for the offences punishable under Section 3 (1) of TN Public Property (Prevention of Damage & Loss) Act, 1992, in Cr.No.263 of 2018 seek anticipatory bail.

2.The petitioner was earlier granted anticipatory bail by this Court vide order made in Crl.O.P.(MD).No.20344 of 2018, dated 14.11.2018. But, they were unable to execute the sureties within the stipulated time. Hence, they have come forward with this petition.

3. The contention of the petitioners is that they are now able to mobilize the amount and they shall not tamper the investigation and hence, anticipatory bail may be granted to them.

4.Heard the learned Government Advocate (Crl.Side) appearing for the respondent would submit that the petitioners caused damages to the tune of Rs.7,000/- and the same may be compensated.

5.Taking into consideration the facts of the case, this Court inclined to grant anticipatory bail to the petitioners.



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Eraniel Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] The petitioners shall deposit a sum of Rs.7,000/- (Rupees Seven Thousand only) to the credit of the crime number before the concerned Judicial Magistrate Court.

[b] The petitioners shall deposit a sum of Rs.7,000/- (Rupees Seven Thousand only) to the credit of the Rojavanam, Home for aged and poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai.

[c] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[d] the petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[h] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/01/2019

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, ERANIEL,
KANYAKUMARI DISTRICT.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3. THE SUB INSPECTOR OF POLICE,
KARUNGAL POLICE STATION,
KANYAKUMARI DISTRICT.



4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

COPY TO:

THE OFFICER INCHARGE,
ROJAVANAM, HOME FOR AGED AND POOR, MADURAI.

+1. CC to Mr.K.RAJESHWARAN Advocate SR.No.702

ORDER

IN

CRL OP(MD) No.492 of 2019

Date :10/01/2019

MS/PN/SAR-1/10.01.2019/3P.7C