



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

Friday, the Eleventh day of January Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD) No.494 of 2019**

1 PRATHAB SINGH  
2 JENISH KUMAR

... PETITIONERS / ACCUSED No. 1 & 2

Vs

THE STATE REP. BY,  
THE SUB-INSPECTOR OF POLICE  
KARUNGAL POLICE STATION,  
KANYAKUMARI DISTRICT.  
(CRIME NO.264/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.K.RAJESHWARAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI  
Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

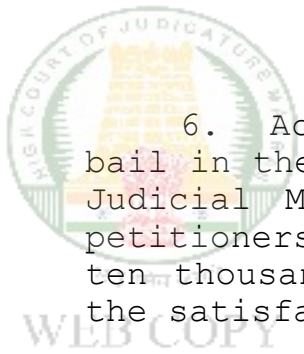
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 3(1) of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992 in Cr.No.264 of 2018, seek anticipatory bail.

2. The case of the prosecution is that the petitioners caused damage to the wind shield of the bus driven by the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners were already granted anticipatory bail by this Court in Crl.O.P(MD)No.20314 of 2018 dated 14.11.2018. since the petitioners did not comply the conditional order within the stipulated time, this petition has been filed.

4. The learned Government Advocate (Criminal Side) would submit that the petitioners were already granted anticipatory bail in Crl.O.P(MD)No.20314 of 2018 dated 14.11.2018.

<https://hcservices.ecourts.gov.in/hcservices/>  
5. Taking into consideration the facts of the case and the submissions made by the learned counsel, 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 his appearance, before the learned Judicial Magistrate, Eraniel, Kanyakumari, 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 conditions that:

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

[b] the petitioners shall report before the respondent police as and when required for interrogation.

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

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

[e] 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]**.

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

sd/-

11/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE  
ERANIEL, KANIYAKUMARI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE  
KANIYAKUMARI 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

+1. CC to MR.K.RAJESHWARAN Advocate SR.No.742

ORDER IN

CRL OP(MD) No.494 of 2019

Date :11/01/2019