



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

Friday, the Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.51 of 2019

1 DOMINIC AKASH
2 PANDI SELVAN
3 ALTIN
4 EDWARD PAUL RAJ @ DHANAPAL
5 JOSEPH

... PETITIONERS / ACCUSED
NO.1,2,4,5 AND 6

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.609/2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.R.ANAND, 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, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 341, 294(b), 323, 342, 324, 379, 506(ii) IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.609 of 2018, seek anticipatory bail.

2. The case of the prosecution is that on 25.12.2018, the first petitioner is said to have pelted stone against the defacto complainant along with the other accused and damaged the bike of the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged offence. Further, he would submit that it is a case of case in counter. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that the investigation is pending.



5. Taking into consideration the facts of the case and the submissions by learned counsels, this Court is 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, Valliyoor, Tirunelveli District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition 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

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

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

[f] 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]**.

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

sd/-

04/01/2019

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

TO

1. THE JUDICIAL MAGISTRATE, VALLIYOOR,
TIRUNELVELI DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
PANAGUDI POLICE STATION, TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.R.ANAND Advocate SR.No.323

ORDER IN

CRL OP(MD) No.51 of 2019

Date :04/01/2019