



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

Monday, the Fifteenth day of April Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5589 of 2019

THAMPI SWAMY @ SWAMY

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME.NO.70/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.SIVAKUMAR Advocate

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

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

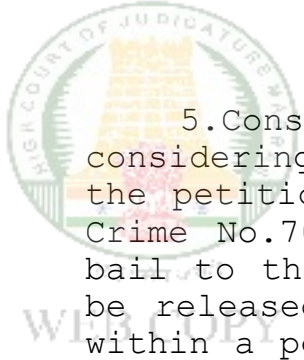
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Section 147, 148, 448, 427, 294(b) and 506(ii) IPC in Cr.No.70 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the defacto complainant has borrowed money from the petitioner. Thereafter, the said amount was demanded by the petitioner, however, the defacto complainant refused to pay the said amount. Thereby, the petitioner trespassed into the house of the defacto complainant and damaged the household articles worth about Rs.1,00,000/-. Hence, this complaint is lodged.

3.The learned counsel appearing for the petitioner would submit that the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. He would on instructions, submit that the petitioner is now ready to deposit a sum of Rs.25,000/- in Crime No.70 of 2019 without prejudice to his rights.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that there is one previous case pending against the petitioner for the offence under Section 506(ii) IPC and no one is injured in the occurrence, only household articles are damaged.



5.Considering the facts and circumstances of the case and considering the fact that no one is injured in the occurrence and the petitioner has come forward to deposit a sum of Rs.25,000/- in Crime No.70 of 2019, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Padmanabhapuram, on condition that the petitioner 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand Only) to the credit of Crime No.70 of 2019, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to his rights;

(c)the petitioner shall report before the respondent police as and when required for interrogation;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioner 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 petitioner 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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
15/04/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO-I,
PADMANABHAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.

3 THE INSPECTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT .

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

+1. CC to Mr.S.SIVAKUMAR Advocate SR.No.6771

PS/VR/SAR-2/23.04.2019/3P/6C

ORDER

IN

CRL OP (MD) No.5589 of 2019

Date :15/04/2019