



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.576 of 2019

1 MANICKAM
2 KANTHAN
3 LAKSHMI

... PETITIONERS / ACCUSED No. 1 to 3

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
TIRUCHENDUR TALUK POLICE STATION,
THOOTHUKUDI DISTRICT
(CRIME NO.8/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.MUNIYANDI 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 apprehends arrest by the respondent for the offences punishable under Sections 294(b), 427 and 506(ii) of IPC in Cr.No.8 of 2019 seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other damaged the compound wall of the defacto complainant's house and when the same was questioned , the petitioners abused the defacto complainant and threatened with dire consequences.

3. The learned counsel for the petitioners would submit that a false case have been foisted against them and they have nothing to do with the alleged offence . However without prejudice to their contention they are willing to deposit a sum of Rs.5000/-each to the credit in Crime no. 8 of 2019 and prayed for anticipatory bail.

<https://hcservices.ecourts.gov.in/hcservices/>
4. The learned Government Advocate(Crl.Side) would submit that petitioners along with other damaged the compound wall of the defacto complainant's house.



5. Taking into consideration the facts of the case and the submissions by learned counsels, 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, Thiruchendur 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 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 deposit a sum of Rs.5,000/- (Rupees Five thousand only) each to the credit of Cr.No.8 of 2019 before the Judicial Magistrate, Thiruchendur, without prejudice to their defence before the trial Court.

[c] the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter 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/-
11/01/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE
TIRUCHENDUR, THOOTHUKUDI DISTRICT

<https://hcservices.ecourts.gov.in/hcservices/>

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT



3 THE INSPECTOR OF POLICE
TIRUCHENDUR TALUK POLICE STATION,
THOOTHUKUDI DISTRICT

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

+1. CC to MR.S.MUNIYANDI Advocate SR.No. 687

ORDER
IN
CRL OP(MD) No.576 of 2019
Date :11/01/2019

MSI/JC/SAR-II/21.01.2019-3P/6C