



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.588 of 2019

AZIK ... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

STATE REP. BY,
THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT
IN CR.NO.170/2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSI KUMAR 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 :-

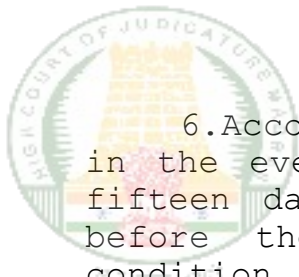
The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Section 3 of TNPPDL Act, in Cr.No.170 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a driver in Tamil Nadu Transport Corporation. On 24.05.2018 he was deputed to drive the bus bearing registration No.TN 45 N 3539 from Tirunelveli to Madurai. When he proceeded near Reliance at Melapalayam at about 1.40 a.m., 2 unknown persons have felted stone on the backside of the bus in which backside mirror has been damaged.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) opposes to grant anticipatory bail to the petitioner.

5.Taking into consideration the facts of the case and the submissions by learned counsel, this Court is inclined to grant anticipatory bail to the petitioner.



6. 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.V, Tirunelveli, 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 petitioner fails to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall deposit a sum of Rs.6,000/- (Rupees Six Thousand only) to the credit of Rojavanam, Home for Aged and Poor, Account No.6481560540, Indian Bank, Madurai Bench of Madras High Court, Madurai and produce the proof of the same.

[c] the petitioner 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 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 petitioner 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 V, TIRUNELVELI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI

3 THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT

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

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



COPY TO:- THE OFFICER IN-CHARGE,
ROJAVANAM,
HOMELESS & AGED CARE CENTRE,
MELUR ROAD, UTHANGUDI, MADURAI

WEB COPY

+1. CC to MR.C.SUSI KUMAR Advocate SR.No.801

ORDER
IN
CRL OP(MD) No.588 of 2019
Date :11/01/2019

MSI/JC/SAR-III/23.01.2019-3P/7C