



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

Saturday, the Twenty Seventh day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6169 of 2019

A.PRAKASHAM

... PETITIONER/ ACCUSED

Vs

THE SUB INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
TUTICORIN DISTRICT.
Crime No.74 of 2019

... RESPONDENT/ COMPLAINANT

For Petitioner : Mr.J.DAVID GANESAN Advocate for
Mr.P.BALAMURUGAN Advocate

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

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

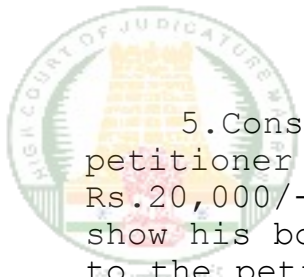
ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 341,323,307 of IPC and Section 3 of TNPPDL Act in Cr.No.74 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The defacto complainant is the Head Master. The case of the prosecution is that due to some money dispute between the petitioner and the defacto complainant, the petitioner waylaid the defacto complainant, assaulted him and set fire to his two wheeler and the damage is worth Rs.20,000/- Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. On instructions, he would also submit that the petitioner is ready and willing to deposit a sum of Rs.20,000/- without prejudice to his defence to the credit in Crime number and thereafter the said amount may be disbursed to the defacto complainant and prayed for granting anticipatory bail.

4.The learned Government Advocate(Crl.Side) appearing for the State would submit that if the petitioner is ready to deposit the amount, this Court may pass appropriate orders.



5. Considering the facts and circumstances of the case and the petitioner has come forward to deposit the said a sum of Rs.20,000/- without prejudice to his rights and contentions to show his bonafide, this Court is inclined to grant anticipatory bail to the petitioner. 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, Sathankulam Thoothukudi District 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 shall deposit the sum of Rs.20,000/- to the credit in crime number 74 of 2019 before the learned Judicial Magistrate, Sathankulam, Thoothukudi District without prejudice to his defence and only on such deposit the learned Magistrate shall accept the sureties and disburse the same to the defacto complainant without filing any formal applications.

(b) 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;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m until further orders

(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]; and;

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

sd/-

27/04/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
SATHANKULAM, THOOTHUKUDI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
SATHANKULAM POLICE STATION,
TUTICORIN DISTRICT.

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

ORDER

IN

CRL OP (MD) No.6169 of 2019

Date : 27/04/2019

TK/MMS/SAR-3/02.05.2019/3P/5C