



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.620 of 2019

VIKGI@VIGNESH

... PETITIONER / ACCUSED NO.2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
BOOTHALUR POLICE STATION,
THANJAVUR DISTRICT.
(CRIME NO.226 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.B.S.MELTUE 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 punishable under Sections 294(b), 323, 353 of I.P.C r/w 3 (i) of TNPPDL Act, in Crime No.226 of 2018, seeks anticipatory bail.

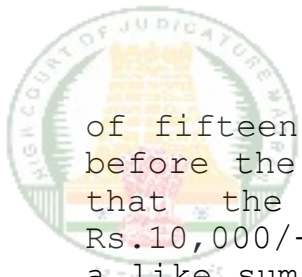
2.The case of the prosecution is that the petitioner and some other persons obstructed the road causing inconvenience to the general public and pelted stones at a TNSTC bus on 11.12.2018.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he had nothing to do with the alleged offence. However without prejudice to his contention he is willing to deposit a sum of Rs.5000/- to the credit in Crime No.226 of 2018 and prayed for anticipatory bail.

4. Heard the learned Government Advocate (Criminal Side) for the respondent.

5. Taking into consideration the facts of the case and the submissions made by learned counsel on either sides, 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, Thiruvaiyaru, 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 said Magistrate, on further condition that:

[a] if the petitioner fail 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.5,000/- (Rupees Five thousand only) to the credit of Cr.No.226 of 2018 before the Judicial Magistrate, Thiruvaiyaru, without prejudice to his defence before the trial Court.

[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/-
22/01/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUVAIYARU.

2 THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
BOOTHALUR POLICE STATION, THANJAVUR DISTRICT.

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

+1. CC to Mr.B.S.MELTUE Advocate SR.No.1138

PS/PN/SAR-4/28.01.2019/3P/6C

ORDER

IN

CRL OP(MD) No.620 of 2019

Date :22/01/2019