

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

Monday, the Twenty Ninth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6359 of 2019

1 P. MANI,
2 V. DURAIPANDI
3 P. RAVI,

... PETITIONERS / ACCUSED NO. 1 TO 3

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION,
SIVAGANGAI DT.
(CRIME.NO.155 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.T.R.SUBRAMANIAN Advocate

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

For Intervenor : Mr.SAKULHAMED, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 436,427, 294(b) and 506(ii) of IPC in Cr.No.155 of 2019, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that, the when the defacto complainant was performing his daughter's ear borne ceremony, the petitioner along with others set fire to the shed of the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. On instructions, he would also submit that the petitioners are ready and willing to deposit a sum of Rs.25,000/- without prejudice to their 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 counsel for the intervenor would submit that the the petitioner had damaged the shed of the defacto complainant and the damage is assessed about Rs.80,000/-

5.The learned Government Advocate(Crl.Side) appearing for the state would submit since the petitioners have come forward to deposit Rs.25,000/- this Court may pass appropriate orders.

6.Considering the facts and circumstances of the case and the petitioners have come forward to deposit the said a sum of Rs.25,000/- without prejudice to their rights and contentions to show his bonafide, this Court is inclined to grant anticipatory bail to the petitioners. 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, Manamadurai, Sivagangai District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 petitioners shall deposit the sum of Rs.25,000/- to the credit in crime number 155 of 2019 before the learned Judicial Magistrate, Manamadurai, Sivagangai District without prejudice to their 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m until further orders;

(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]**; and;

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

sd/-
29/04/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
MANAMADURAI, SIVAGANGAI DISTRICT.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
THIRUPPUVANAM POLICE STATION, SIVAGANGAI DT.
- 4 ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.T.R.SUBRAMANIAN Advocate SR.No.7650

PS/PN/SAR-4/02.05.2019/3P/6C

ORDER
IN

CRL OP(MD) No.6359 of 2019
Date :29/04/2019

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