



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Monday, the Twenty Ninth day of April Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6394 of 2019

1 MANIKANDAN,
2 AJITHKUMAR,

... PETITIONERS / ACCUSED NO.1 & 2

Vs

THE STATE REB BY
THE INSPECTOR OF POLICE,
VILATHIKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME.NO.11 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.NIRMAL 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 :-

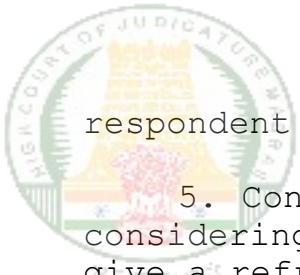
The petitioners who are apprehending arrest at the hands of the respondent police for the alleged offence under Sections 448,353 and 427 of IPC in crime No. 11 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that on 17.01.2019, the petitioner along with others damaged the glass window of the hospital, worth about Rs.2000/-

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocent persons. On instruction, he would further submit that the petitioners are ready to buy and give a refrigerator worth Rs.10,000/- and give it to the Primary Health Centre, Vilathikulam for the welfare of the said Health Centre.

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

4.The learned Government Advocate(Crl.side) appearing for the



respondent police would submit that investigation is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioners are willing to buy and give a refrigerator worth Rs.10,000/- to the Primary Health Centre, this Court is inclined to grant anticipatory bail to the petitioners with a condition that the petitioner shall buy and give a refrigerator worth Rs.10,000/- and give it to the Primary Health Centre, Vilathikulam for the welfare of the said Health Centre and thereafter sureties shall be accepted.

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, Vilathikulam, Thoothukudi District on condition that the petitioner 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 are directed to buy and give a refrigerator worth Rs.10,000/- and give it to the Primary Health Centre, Vilathikulam for the welfare of the said Health Centre and proof shall be furnished at the time of furnishing sureties. Thereafter perusing copy of DD, sureties shall be accepted.

(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 furthers

(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;



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

sd/-
29/04/2019

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/ TRUE COPY /

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

TO

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

COPY TO

THE OFFICER INCHARGE,
PRIMARY HEALTH CENTRE, VILATHIKULAM,
THOOTHUKUDI DISTRICT.

+1. CC to MR.V.NIRMAL KUMAR Advocate SR.No.7778

PS/JC/SAR-4/30.04.2019/3P/7C

ORDER
IN
CRL OP(MD) No.6394 of 2019
Date :29/04/2019