

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

**The Hon`ble Mr.Justice R.PONGIAPPAN**

CRL OP(MD) No.7502 of 2019

1 THANANATTAMAI  
2 PONSARAVANAN

... PETITIONERS / ACCUSED  
No.1 and 2

Vs

STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
PAVOORCHATRAM POLICE STATION,  
TIRUNELVELI DISTRICT.  
Crime No.185 of 2019

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.C.R.PONNUTHAI Advocate

For Respondent : Mr.R.ANANDARAJ, Additional Public Prosecutor

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

**ORDER :** The Court Made the following order :-

The petitioners, who are arrayed as accused nos.1 and 2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 447 and 506(ii) of I.P.C. and Section 3 of Tamil nadu Public Property (Prevention of Damage and Loss) Act in Crime No.185 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners illegally entered into the defacto complainant's land and damaged the stone fence. Thereafter, the petitioners threatened the defacto complainant with dire consequences. Hence, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He would further

submit that the petitioners are willing to deposit the cost of damaged property.

4.The learned Government Advocate (Criminal Side) would submit that the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is alleged, the petitioners damaged the stone fence which worth about Rs.15,000/- (Rupees Fifteen Thousand only). As of now the damaged articles were recovered by the prosecution. In the said circumstances, custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some conditions.

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, Thenkasi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(I) Each of the petitioners shall deposit a sum of Rs.7,500/- (Rupees Seven Thousand and Five Hundred only) to the credit of Crime No.185 of 2019 before the learned Judicial Magistrate, Thenkasi, without prejudice to their defence before the trial Court;

(ii) the petitioners as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds;

(iii) the petitioners shall appear before the Royapettah Police Station, Chennai daily 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trail and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(vi) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as in 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]**.

sd/-  
29/05/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,  
THENKASI.
2. THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
PAVOORCHATRAM POLICE STATION,  
TIRUNELVELI DISTRICT.
4. THE INSEPCTOR OF POLICE  
ROYAPETTAH POLICE STATION, CHENNAI.
5. THE ADDITIONAL PUBLIC PROSECUTOR  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.R.PONNUTHAI Advocate SR.No.8977

ORDER  
IN

CRL OP(MD) No.7502 of 2019  
Date :29/05/2019

TK/JC/SAR-2/03.06.2019/3P/7C

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