

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.7506 of 2019

U.SUBRAMANIAN

... PETITIONER / ACCUSED RANK A2

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MOODRADAIPU POLICE STATION,
TIRUNELVELI DISTRICT
Crime No.150/2011

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.C.SUSI KUMAR 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 petitioner, who is arrayed as accused no.2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b) and 506(ii) of I.P.C. and Section 3 (1) of Tamil nadu Public Property (Prevention of Damage and Loss) Act in Crime No.150 of 2019, seeks anticipatory bail.

2.The case of the prosecution is that due to some dispute, the petitioner and other accused assaulted the *defacto* complainant and also damaged the cable wires. Hence, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner is 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 petitioner damaged the cable wire of the *defacto* complainant which worth about Rs.30,000/- (Rupees Thirty Thousand only). As of now the damaged

articles were recovered by the prosecution. Hence, on considering the nature of offences committed by the petitioner, custodial interrogation of the petitioner may not be necessary for completing the investigation. So, this Court is inclined to grant anticipatory bail with some stringent conditions.

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, Nanguneri, on condition that the petitioner 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) the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten Thousand only) to the credit of Crime No.150 of 2019 before the learned Judicial Magistrate, Nanguneri, without prejudice to their defence before the trial Court;

(ii) the petitioner 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 petitioner shall appear before the respondent Police daily 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;

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

(v) the petitioner shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner 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 petitioner shall stand automatically cancelled and 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]**.

sd/-
29/05/2019

/ TRUE COPY /

TO

1. THE JUDICIAL MAGISTRATE,
NANGUNERI.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

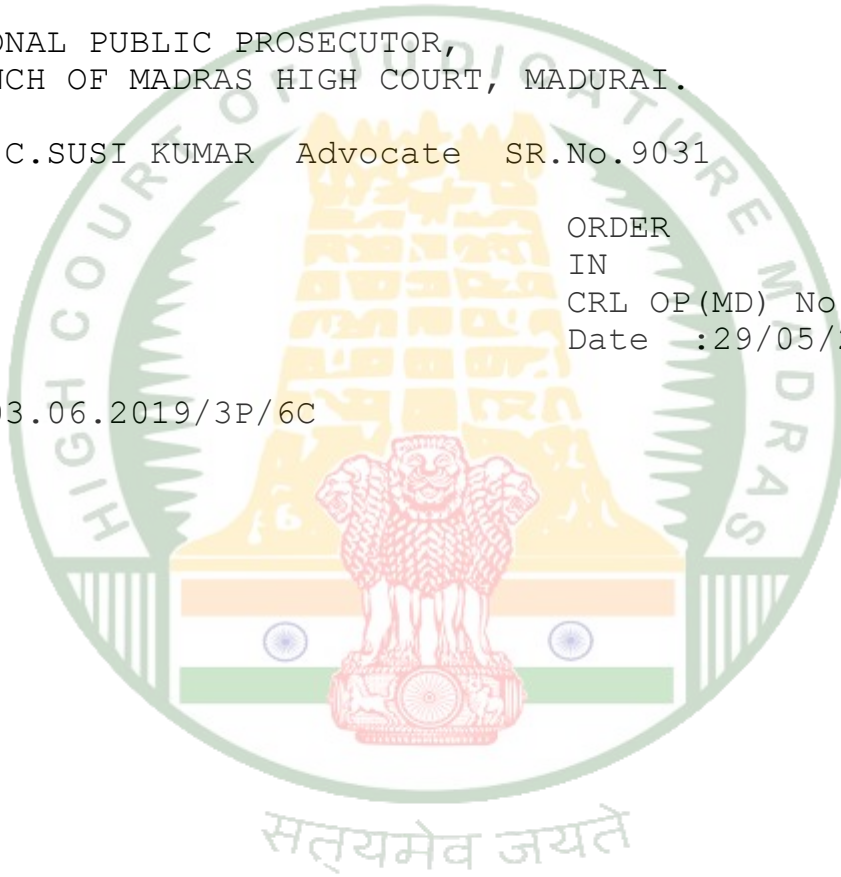
3. THE INSPECTOR OF POLICE
MOODRADAIPU POLICE STATION,
TIRUNELVELI DISTRICT

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

+1. CC to Mr.C.SUSI KUMAR Advocate SR.No.9031

ORDER
IN
CRL OP(MD) No.7506 of 2019
Date :29/05/2019

TK/JC/SAR-3/03.06.2019/3P/6C



WEB COPY