



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

WEB COPY

CRL OP (MD) No.7590 of 2019

ESAKKI MUTHU

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

-Vs-

STATE REP.BY
THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.
(CRIME NO.NOT KNOWN OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.KRISHNAN, 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 sole accused, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 427 and 506(ii) IPC, in Crime No.Not Known of 2019, seeks anticipatory bail.

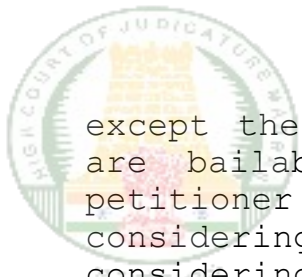
2.The case of the prosecution is that due to previous enmity, the petitioner abused the defacto complainant by using the filthy language and he caused damage to the two wheeler of the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person, he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Additional Public Prosecutor would submit that the petitioner caused damage to the two wheeler of the defacto complainant and the investigation is still pending.

5.To this, the learned counsel appearing for the petitioner would now submit that the petitioner is willing to deposit a sum of Rs.2,000/- [Rupees Two Thousand only].

6.The submissions made by the learned counsel appearing on either side are considered. It is alleged that due to the previous enmity, the petitioner caused damage to the two wheeler of the defacto complainant. In a case registered against the petitioner,



except the offence under Section 506 (ii) IPC, all other offences are bailable in nature. Hence, custodial interrogation of the petitioner is not necessary for completing the investigation. So, on considering the above facts and circumstances of the case and on considering the fact that the petitioner is willing to deposit a sum of Rs.2,000/-, this Court is inclined to grant anticipatory bail with some conditions.

7. 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 Judicial Magistrate Court, Sathankulam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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.2,000/- [Rupees Two Thousand only] to the credit of concerned Crime Number of 2019 on the file of the respondent police;

(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 **Tirunelveli Town Police Station, Tirunelveli District**, daily at 10.00 a.m., for a period of one month 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 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.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE, SATHANKULAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE
THATTARMADAM POLICE STATION, THOOTHUKUDI DISTRICT.
4. THE INSPECTOR OF POLICE,
TIRUNELVELI TOWN POLICE STATION,
TIRUNELVELI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.KRISHNAN Advocate SR.No.8949

ORDER
IN
CRL OP(MD) No.7590 of 2019
Date :29/05/2019

MS/JC/SAR-3/03.06.2019/3P.7C