



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

Monday, the Seventeenth day of June Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.7952 of 2019

1 KASTHOORI
2 PALSAMY
3 RAJADURAI
4 BALATHANDAYUTHAM

... PETITIONERS / ACCUSED NO.1,3,4 & 5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.28 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.R.PRABAKARAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 447, 294 (b), 506 (ii) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage & Loss) Act, 1992, in Crime No.28 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are innocents and they have been falsely implicated in the above case. He further submitted that as per the FIR, due to the dispute with regard to taking the landed property in court auction conducted by the District Munsif Court, Sivagiri, the petitioners have destroyed the fitted pipe line and plucked all the planted coconut saplings and caused damage worth about Rs.5,000/-. He further submitted that no one sustained any injury and hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent has submitted that totally 5 accused involved in this case. A1 is the main accused. No previous case is pending against the petitioners and no one sustained injuries.



5. Taking into consideration of the fact that no one sustained injury and also the fact that no previous case is pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

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 Court, Sivagiri, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[i]each petitioners shall deposit a sum of Rs.1000/- (Rupees One thousand only) to the credit of Crime No.28 of 2019 before the Judicial Magistrate Court, Sivagiri, without prejudice his defence before the trial Court;

(ii) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(iii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(vi) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(v) the petitioners shall not abscond either during investigation or trial.

(vi) 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].

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

sd/-
17/06/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

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

+1. CC to M/S.R.PRABAKARAN Advocate SR.No. 9794

ORDER

IN

CRL OP (MD) No.7952 of 2019

Date :17/06/2019

JM/VR/SAR 4/25.06.2019/3P/6C