



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

Wednesday, the Twenty Third day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.922 of 2019

AYYADURAI

... PETITIONER /3rd ACCUSED

Vs

THE STATE REPRESENTED BY ITS.,
THE SUB INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.115/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.RABINDRANATH Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 447,323,506(ii) of IPC and Section 3 of Prevention of Damage to Public Property Act, 1984 in Cr.No. 115 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that due to land dispute, the petitioner and the defacto complainant, the petitioner assaulted the defacto complainant and threatened him with dire consequences.

3. The learned counsel for the petitioner would submit the petitioner has been falsely implicated in this case and he has nothing to do with the alleged offence. He would further submit that the injured has also been discharged from the hospital.

4. The learned Government Advocate(Crl.Side) would submit that investigation is almost completed in this case and that co-accused in this case was granted anticipatory bail by this Court.

5. Taking into consideration the facts of the case and the submissions by learned counsels and the fact that co-accused in this case was granted anticipatory bail ,this Court inclined to



grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.III, Tirunelveli 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required for interrogation

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/01/2019

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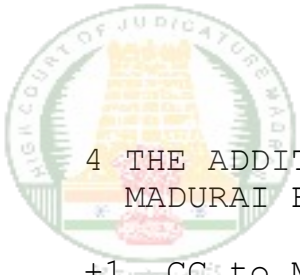
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.III,
TIRUNELVELI.

2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>
3. THE SUB INSPECTOR OF POLICE,
DEVARKULAM POLICE STATION,
TIRUNELVELI DISTRICT.



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

+1. CC to MR.M.S.JEYAKARTHIK, Advocate SR.No.1305

WEB COPY

ORDER

IN

CRL OP(MD) No.922 of 2019

Date :23/01/2019

AE/JC/SAR2/28.01.2019/3P/6C