



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

Monday, the Eighth day of July Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.9643 of 2019

SAMITHURAI

... PETITIONER / ACCUSED NO.5

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
KARIVALAMVANTHANALLUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 225 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.MUTHUKRISHNAN Advocate

For Respondent : MR.V.NEELAKANDAN, Additional Public Prosecutor

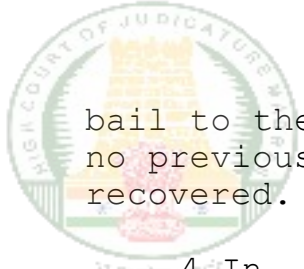
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 447,147 and 506(ii) of IPC and Section 3(1) of TNPPDL Act in Crime No.225 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the petitioner is the driver of the vehicle and he has not committed any offence and he has been falsely implicated in the above case. He has further submitted that in this case, A-1 to A-4 were already granted anticipatory bail by this Court in Crl.O.P. (MD).No.9476/2019 on 04.07.2019. Hence, he prayed for grant of anticipatory bail to the petitioner.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that in this case, there are totally five accused and A-1 to A-4 were already granted anticipatory bail by this Court in Crl.O.P.(MD).No.9476/2019, dated 04.07.2019. He further submitted that the petitioner being the driver of the JCB, while transporting the sand illegally damaged the fence belonging to the defacto complainant. Hence, he opposed to grant anticipatory



bail to the petitioner. However, he conceded that the petitioner has no previous case and the vehicle used for committing the offence was recovered.

4. In reply, the learned counsel for the petitioner has submitted that the petitioner is ready to deposit the cost of the damage.

5. Taking into consideration of the fact that the petitioner is ready to deposit the cost of the damage, also the fact that in this case, A-1 to A-4 were already granted anticipatory bail by this Court in CrI.O.P.(MD).No.9476/2019, dated 04.07.2019, also the fact that the petitioner has no previous case and also the fact that the vehicle used for committing the offence was recovered, this Court is inclined to grant anticipatory bail to the petitioner by imposing certain 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, Sankarankovil, on condition that the petitioner 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) the petitioner shall deposit a sum of Rs.5000/- (Rupees five thousand only) to the credit of Cr.No.225 of 2019 on the file of the Karivalamvanthanallur Police Station, Tirunelveli District.

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

(iii) the petitioner 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.

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

(v) the petitioner 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 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.R.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/-

08/07/2019

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/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
SANKARANKOVIL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

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

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

+1. CC to M/S.S.MUTHUKRISHNAN Advocate SR.No. 11262

ORDER

IN

CRL OP(MD) No.9643 of 2019

Date :08/07/2019

JM/JC/SAR 1/11.07.2019/3P/6C