



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

Wednesday, the Second day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22519 of 2018

ASIK ALI

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO.185/2018)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSIKUMAR, Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 120(B) of IPC and Section 4 of TNPPDL Act, in Cr.No.185 of 2018 seeks anticipatory bail.

2.The case of the prosecution is that on 07.06.2018, due to a dispute the petitioner along with other accused set fire to three cars parked in front of the defacto complainant's husband's shop and caused damages to the tune of Rs.15,00,000/-. Hence, the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he has not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl. Side) submitted that the accused persons caused damages to the tune of Rs.15,00,000/- and the three cars were totally damaged. The co-accused released on anticipatory bail in Crl.O.P.(MD).No.21854 of 2018 by this Court.



5. Taking into consideration the facts of the case, this Court is 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) 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 deposit a sum of Rs.50,000 (Rupees Fifty thousand only) to the credit of crime number before the concerned Judicial Magistrate.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation.

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

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

[f] 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]**.

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

sd/-
02/01/2019

/ TRUE COPY /



1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.

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

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

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

+1. CC to MR.C.SUSIKUMAR Advocate SR.No.70

ORDER
IN
CRL OP(MD) No.22519 of 2018
Date :02/01/2019

AMS/VR/S-2/04.01.2019/3P/6C