



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.22555 of 2018

1 K.JEYAMALA
2 S.KASINATHAN
3 K.LAKSMIKANTH

... PETITIONERS /ACCUSED
No.1 to 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
Crime No.431/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.M.CHELLAPANDIAN 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 petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 506(i) of IPC r/w 3(1) of Prevention of Damage to Public Property Act, in Cr.No.431 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that the petitioners trespassed into the defacto complainant's property and threatened him with dire consequences and damaged the water tank line.

3.The learned counsel for the petitioners would submit that a false case has been foisted against them and they have 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.30,000/-.

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5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner.



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, Kodaikanal, on condition that the petitioners 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 petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall deposit a sum of Rs.5,000 (Rupees five thousand only) each to the credit of crime number before the concerned Judicial Magistrate.

[c] the petitioners shall report before the respondent police as and when required for interrogation.

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

[e] the petitioners 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 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].

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

sd/-
02/01/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,

<https://hcservices.mca.gov.in/hcservices/>

KODAIKANAL.



2.THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.

3.THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

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

+1. CC to Mr.K.M.KARUNAKARAN Advocate SR.No.32

ORDER

IN

CRL OP (MD) No.22555 of 2018

Date :02/01/2019

TK/VR/SAR-2/04.01.2019/3P/6C