



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

Wednesday, the Ninth day of January Two Thousand Nineteen
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22559 of 2018

1 AYYAPPAN
2 PERUMAL
3 CHINNARASU
4 PRAKASH
5 DURAI

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

STATE REP. BY
THE SUB INSPECTOR OF POLICE,
SATTANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
IN CRIME NO. 230 OF 2017

... RESPONDENT / COMPLAINANT

For Petitioner : MR.S.AJMEER KAJA 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 petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 341 of IPC and Section 3 of TNPPDL Act, 1992, in Cr.No.230 of 2017, seek anticipatory bail.

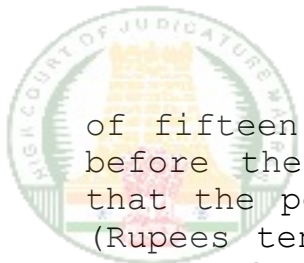
2. The case of the prosecution is that on 29.06.2017, when the defacto complainant was driving the Omnibus near Sattankulam New Bridge, four unknown persons entered into the said Omnibus and damaged the mirrors in it. Hence, the complaint.

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 petitioners caused damages to the tune of Rs.15,000/-.

5.Taking into consideration the facts of the case, 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, Sattankulam, 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 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.3,000 (Rupees Ten thousand only) each to the credit of the crime number before the concerned Judicial Magistrate Court.

[c] the petitioners 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 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/-

09/01/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
SATTANKULAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.
- 3 THE SUB INSPECTOR OF POLICE,
SATTANKULAM POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.KRISHNAN, Advocate SR.No. 555

ORDER

IN

CRL OP(MD) No.22559 of 2018

Date :09/01/2019