



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

Friday, the Fourth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.22971 of 2018

1 E.SURESH
2 S.SUBBAIYA
3 M.MURUGAN
4 N.ESAKKI @ ESAKKIMUTHU

... PETITIONERS / ACCUSED RANK NO.1 TO 4

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.118/2018

... RESPONDENT / COMPLAINANT

For Petitioners : MR.I.SABEER MOHAMED 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, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b) and 506(ii) and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act, 1992 in Crime No.79 of 2018, seek anticipatory bail.

2. The case of the prosecution is that on 22.10.2018, the petitioners assaulted the defacto complainant and damaged the car worth about Rs.50,000/-. Hence, the complaint.

3. The learned counsel for the petitioners would submit that a false case has been foisted against them and they had nothing to do with the alleged offence. Further, he would submit that it is a case of case in counter. Hence, they pray for anticipatory bail.



4. The learned Government Advocate (Crl.Side) would submit that the investigation is pending.

5. Taking into consideration the facts of the case and the submissions by learned counsels, 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, Sathankulam 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.10,000/- (Rupees ten thousand only), each to the credit of Cr.No.118 of 2018 before the Judicial Magistrate, Sathankulam.

[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/-

04/01/2019

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

TO

1 THE JUDICIAL MAGISTRATE,
SATHANKULAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.



3 THE INSPECTOR OF POLICE,
THATTARMADAM POLICE STATION,
THOOTHUKUDI DISTRICT.

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

ORDER
IN
CRL OP(MD) No.22971 of 2018
Date :04/01/2019

JM/PN/SAR 3/21.01.2019/3P/5C