



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD). No.4357 of 2020

D.Shanmuganathan

... Petitioner/ Rank Not Known

Vs

The Inspector of Police,
Sivakasi East Police Station,
Sivakasi, Virudhunagar District.
Crime No.143 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.Selvakumar,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Additional Public Prosecutor

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

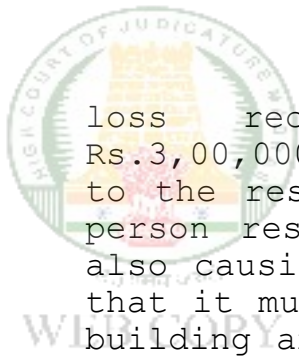
PRAYER :-

For Anticipatory Bail in Crime No.143 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 186,189,341,427 and 454 of IPC seeks anticipatory bail.

2. The petitioner herein is the owner of the building which was rented out to BSNL. There is default in payment of rent. In this regard, the landlord has been insisting for rent with the defacto complainant, who is Junior Telecom Engineer incharge of the unit. In the said circumstances, on 26.02.2020, at 09.30 hrs when the defacto complainant came to the office he found that the doors of the office were locked inside. After informing his senior officer, at about 04.00 p.m., they opened the shutter of the building and accessed the office and found that the western side of the wall was broken by six feet and the debris were found collected inside the building and the fuse carrier was found to be removed which has led to inactivating the equipment and causing inconvenience to the customers. The defect was temporarily rectified by the BSNL and the



loss recurred to the BSNL come to the tune of Rs.3,00,000/-. Therefore the defacto complainant has given complaint to the respondent police on 28.02.2020 to take action against the person responsible for vandalism of the building, equipment and also causing loss to the BSNL. Preliminary investigation reveals that it must be the work of the petitioner who is the owner of the building and due to non payment of rent for long time, he had done this mischief, so as to cause inconvenience to the BSNL

3. The learned Government Advocate (Crl.Side) opposed the anticipatory bail petition on the ground that enquiry is at the very nascent stage and needle of suspicion point to the petitioner since he has motive. He would also submit that the culprits have accessed the BSNL building from the portion which is in possession and occupation of the petitioner.

4. Taking into consideration the facts and circumstances of the case, this Court is of the opinion that if the petitioner is secured and properly investigated the real culprit can be identified. Hence this Court is inclined to grant anticipatory bail to the petitioner.

5. 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.II, Sivakasi on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) with two sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] The petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police on 12.03.2020 and sign before the respondent police daily at 10.00 a.m and 4.00 p.m., until further orders

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

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

[e] 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]**.

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

sd/-
10/03/2020

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, SIVAKASI.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
 3. THE INSPECTOR OF POLICE,
SIVAKASI EAST POLICE STATION,
SIVAKASI, VIRUDHUNAGAR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.S.SELVAKUMAR, Advocate (SR-5031[I] dated 10/03/2020)

ORDER
IN
CRL OP(MD) No.4357 of 2020
Date :10/03/2020

MS/PN/SAR-2/10.03.2020/3P.6C