



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/07/2020

PRESENT

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The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7883 of 2020

T.Rajakumar

... Petitioner/1st Accused

Vs

State Rep.by
The Inspector of Police,
Kaliyakkavilai Police Station,
Kanyakumari District.
Crime No.278 of 2020.

... Respondent/Complainant

For Petitioner : M/s.K.P.Krishnadoss,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.278 of 2020 on the file of the respondent police.

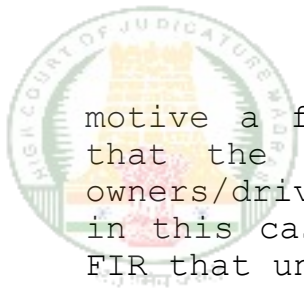
ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 447, 506(i) of I.P.C. r/w Section 3 of TNPPDL Act in Crime No.278 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 19.07.2020 at 21 hrs., the petitioner along with other 10 unknown accused said to have damaged the compound wall of the market to the Kaliyakkavilai Town Panchayat about 500 metre and caused damage worth of Rs. 3 lakhs. Hence the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side).

4. The learned counsel appearing for the petitioner would submit that the petitioner is innocent person and due to previous



motive a false case has been registered. He would further submit that the petitioner has collected entry fees from the vehicle owners/drivers who enters into the market and he is not an accused in this case. He would further submit that it is mentioned in the FIR that unknown persons have damaged the compound wall.

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5. The learned Government Advocate (criminal side) appearing for the respondent police, on instructions, submitted that no one is injured and the allegation is that unknown persons have damaged the compound wall of the Panchayat and caused damage worth of Rs.3 lakhs and the investigation reveals that the petitioner is also one of the accused in that occurrence.

6. Considering the facts and circumstances of the case and considering the submissions, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Kuzhithurai, Kanyakumari District and on his executing 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 learned Magistrate concerned and 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 as on when required for interrogation.

(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]; and;

(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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TO

1. THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI,
KANYAKUMARI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
 3. THE INSPECTOR OF POLICE,
KALIYAKKAVILAI POLICE STATION, KANYAKUMARI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.K.P.KRISHNADOSS, Advocate (SR-5830[I] dated 29/07/2020

ORDER

IN

CRL OP(MD) No.7883 of 2020

Date :29/07/2020

MS/PN/SAR-2/03.08.2020/3P.6C