



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.4897 of 2021

Arunkumar ... Petitioner/Accused No.3
Vs
The State Rep.by its
Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
Cr No. 136/2021. ... Respondent/Complainant

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

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.136 of 2021 on the file of the
respondent Police

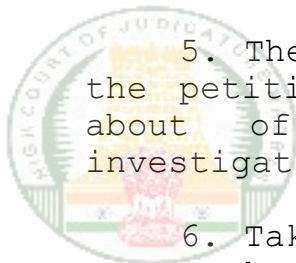
ORDER : The Court made the following order :-

The petitioner/A.3, apprehending arrest at the hands of the
respondent police for the alleged offences punishable under section
3(1) of Tamil Nadu Public Property Prevention of Damage and Loss
Act, in Crime No.136 of 2021 on the file of the respondent police,
seeks anticipatory bail.

2. Heard the learned Counsel for the petitioner and the learned
Government Advocate(Crl.Side) appearing for the State.

3. It is seen from the submissions that the allegation against
the petitioner is that on 27.03.2021 at about 11.30 p.m., the
petitioner along with two others came in a bike and pelted stones
and damaged a glass worth about Rs.3,000/-(Rupees Three thousand
only) and hence, the present case has been registered.

4. The learned Counsel for the petitioner would submit that the
petitioner is innocent and he has not involved in the alleged
occurrence and he has been falsely implicated in this case.



5. The learned Government Advocate (Crl.side) would submit that the petitioner and other accused caused damage to a glass worth about of Rs.3,000/- (Rupees Three thousand only) and the investigation is going on.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner and other accused said to have caused damage to a glass worth about of Rs.3,000/- (Rupees Three thousand only), 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.II, Kuzhithurai, within a period of fifteen days from the date of receipt of a copy of this order, on his executing 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 and on further condition that:

[a] the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three thousand only) towards Court deposit to the credit of Cr.No.136 of 2021 without prejudice to his defence and only on such deposit the learned Magistrate shall accept the sureties.

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.00 a.m., until further orders.

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

[e] the petitioner 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 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]**.

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

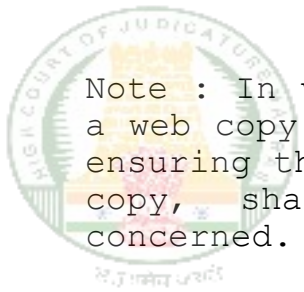
sd/-

08/04/2021

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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.

TO

- 1 THE JUDICIAL MAGISTRATE NO II,
KUZHITHURAI
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL
 - 3 THE INSPECTOR OF POLICE
PUTHUKADAI POLICE STATION, KANYAKUMARI DT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.SIVAKUMAR.S. Advocate SR.No.3002

ORDER

IN

CRL OP(MD) No.4897 of 2021

Date :08/04/2021

SMA/PN/SAR-3/17/04/2021/3P/6C