



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

Date : 13/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.18179 of 2022

1. Ananth @ Avudaiappan
2. Sakthikumar

... Petitioners/Accused No.1 & 3

Vs

State Rep.by
The Inspector of Police,
Alwarkurichi Police Station,
Tenkasi District.
Crime No.152/2022.

... Respondent/Complainant

For Petitioners : M/s.Vignesh N, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.152 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 294(b) and 506(i) IPC and Section 5 of Tamil Nadu Property (Prevention of Damage and Loss) Act, 1992 in Crime No.152 of 2022, seek anticipatory bail.

2.The case of the prosecution is that due to enmity between the parties, the petitioners and other accused intercepted the bus, abused the de-facto complainant in filthy language and pelted stone on the bus. Thereby, the front and backside glasses of the bus were damaged worth about Rs.30,000/- and also threatened the de-facto complainant with dire consequences. Hence the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that A2 and A4 were already released on bail. Hence, he prays for anticipatory



4.The learned Government Advocate(Crl.Side) would submit at the first petitioner is having no previous case and the second petitioner is having one previous case. The investigation in this case is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

WEB COPY

5.Considering the facts and circumstances of the case and also considering the fact that the co-accused were already released on bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Ambasamudram, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 petitioners shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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]**; and;

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

sd/-

13/10/2022

/ TRUE COPY /

/10/2022

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



TO

1 THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.

2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE, ALWARKURICHI POLICE STATION,
TENKASI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.18179 of 2022

Date :13/10/2022

SJI

RS/SBN/SAR.2 (19.10.2022) 3P-5C