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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/11/2022

PRESENT

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

CRL OP(MD) . No.21109 of 2022

1. J.Malik
2. M.Abdulla
3. M.Salim Malik

... Petitioners/Accused
(Rank Not Known)

Vs

State rep.by
The Inspector of Police,
Adiramapattinam Police Station,
Thanjavur District.
(Crime No.587 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Balasubramanian N, Advocate

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

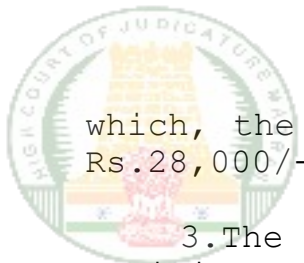
PRAYER :-

For Anticipatory Bail in Crime No.587 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 3(1) of Prevention of Damage to Public Property Act, 1984, in Crime No.587 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as Bus Driver in TNSTC. On 22.09.2022, when he was driving the bus bearing Registration No.TN-68-N-1201, some unknown persons waylaid the bus and threw the stones upon the bus. Due to



which, the front side glass of the bus has been damaged worth about Rs.28,000/-. 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 and their names have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(crl.side) would submit that the petitioners and others pelted stone at a bus bearing Registration No. TN-68-N-1201 and caused damages to the front side glasses of the bus worth about Rs.28,000/-. He would further submit that the petitioners are having some previous cases of similar in nature and investigation in this case is not yet completed. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the nature of charges levelled against the petitioners, this Court is inclined to grant bail to the petitioners on certain conditions.

6.Accordingly, the petitioners shall pay a sum of Rs.5,000/- (Rupees Five Thousand only) each to the credit of Crime No.587 of 2022 before the learned Judicial Magistrate, Pattukottai, Thanjavur District, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

7.On production of such receipt, 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, Pattukottai, Thanjavur District, 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;

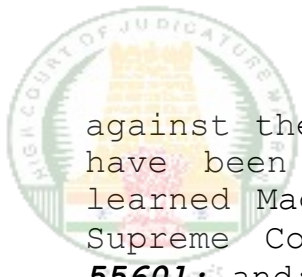
(b)the petitioners 1 and 2 shall report before the respondent police daily at 10.30 am until further orders and the third petitioner shall report before the respondent police weekly twice i.e., on every Saturday and Sunday at 10.30 am., until further orders.

(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;

<https://www.mhc.tn.gov.in/judis>

(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;

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

Sd/-

29/11/2022

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/12/2022

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

cp

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,
PATTUKOTTAI, THANJAVUR DISTRICT.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
ADIRAMAPATTINAM POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.BALASUBRAMANIAN N Advocate SR.No.13956

ORDER

IN

CRL OP(MD) No.21109 of 2022

Date :29/11/2022