



CRL OP(MD). No.19661 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

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Mathankumar,

... Petitioner/ Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
Thoothukudi North Police Station,
Thoothukudi District.
Cr.No.307/2023.

... Respondent/Complainant

For Petitioner : M/s.Vetrivel.M, Advocate.

For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No. 307/2023 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent

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



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police for the offences punishable under Section 435 IPC and Section 4 of Tamil Nadu Public Property (Prevention of Damages and Loss) Act, in Crime No.307 of 2023, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 23.09.2023, the petitioner herein and other accused said to have set fire to the bear bottles filled with Kerosene and threw them in the house of the defacto complainant and that the door of the defacto complainant was damaged. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He would further submit that co-accused have already released on bail and hence, he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that the co-accused have already released on bail. He would further submit that investigation of the case is pending and hence, strongly objected to granted bail to the petitioner.

5. Taking into consideration the facts and circumstances of the case and also the fact that the co-accused have already released on bail, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:



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6. 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-III, Thoothukudi**, on condition that the petitioner shall execute 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c] the petitioner shall not tamper with the 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 is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

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

sd/-
06/11/2023

(*)AMENDED AS PER ORDER OF THIS COURT DATED 21.11.2023 IN CRL MP(MD)NO.16365 OF 2023 IN CRL OP(MD)NO.19661 OF 2023

TWO WEEKS TIME IS GRANTED TO THE PETITIONER TO COMPLY WITH THE CONDITIONS IMPOSED BY THIS COURT FROM THE DATE OF RECEIPT OF A COPY OF THIS ORDER.

/ TRUE COPY /

/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

TO BE SUBSTITUTED WITH THE ORDER DATED 06/11/2023 ALREADY DESPATCHED

1 THE JUDICIAL MAGISTRATE NO.II
THOOTHUKUDI.



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- 2 THE JUDICIAL MAGISTRATE-III, THOOTHUKUDI,
- 3 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 4 THE INSPECTOR OF POLICE
THOOTHUKUDI NORTH POLICE STATION,
THOOTHUKUDI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to MR.S.VISHNUVARDHANAN, Advocate SR NO.-16619

ORDER
IN
CRL OP(MD) No.19661 of 2023
Date :06/11/2023

PKP/VR/SAR- /08.11.2023/ 5P/5 C

RK/DD/SAR-(24.11.2023) 5P/7C

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