



CRL OP(MD). No.20335 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Nagavignesh,

2. Sasikumar,

... Petitioners/ Accused Rank Not Known

Vs

**State Rep.by
The Inspector of Police,
Kamuthi Police Station,
Ramanathapuram District.,
Crime No.306/2023..**

... Respondent/Complainant

For Petitioners : M/s.Pandiyaraj.S,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.306/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the



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respondent police for the offences punishable under sections 341, 294(b), 353, 506(ii) IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984 @ 147, 341, 294(b), 353, 506(ii) IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984, in Crime No.306 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner herein has waylaid the bus belonging to the TNSSTC bus bearing Regn. No.TN 63 N 1626 and scolded the defacto complainant in filthy language and also threw a stone on the bus windshield glass. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Additional Public Prosecutor appearing for the respondent would submit the petitioners have damaged the Government bus worth about Rs.3,000/- and there is no previous case pending against the petitioners. He would further submit that the investigation of the case is pending.



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5. On perusal of the FIR, it is noticed that the petitioners have damaged the Government bus.

6. Taking into consideration the principles stated by the Honourable Supreme Court in Gurubaksh Singh Sibbia Etc., vs. State of Punjab reported in 1980 AIR 1632 and Lal Kamendra Pratap Singh vs. State of Uttar Pradesh and others reported in (2009)4 SCC 437 and Joginder Kumar vs. State of U.P. and others reported in (1994) 4 SCC 260, this Court is of the considered view that the alleged offence against the petitioners are not a case of heinous crime. Further, the petitioners are having permanent resident at Madurai District. In this circumstances, the principles stated in Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar reported in AIR 1979 SC 1360 is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused have their roots in the community and is not likely to abscond, they can safely be released on his own bond.

7. In view of the above, I am inclined to grant anticipatory bail to the

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



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petitioners. Accordingly, 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 on which the order copy made ready, before the learned Judicial Magistrate, Kamuthi, Ramanathapuram District, on condition that the petitioners shall execute own bonds for a sum of Rs.10,000/- (Rupees Ten Thousand only) each to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that :

[a] The petitioners are directed to deposit a sum of Rs.2,500/- (Rupees Two Thosuang and Five Hundred only) each to the credit of Crime number on the file of the Magistrate concerned. On such deposit, the Magistrate Concerned is directed to return the same to the defacto complainant without the notice to the petitioners.

[b] the petitioners shall report before the trial Court as and when required for the purpose of interrogation.

[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



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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].

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

sd/-
15/11/2023

/ TRUE COPY /

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE,
KAMUTHI, RAMANATHAPURAM DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
KAMUTHI POLICE STATION,
RAMANATHAPURAM DISTRICT,.



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

+1 CC to M/s.S.PANDIYARAJ, Advocate (SR-16288[I] dated 15/11/2023)

ORDER
IN
CRL OP(MD) No.20335 of 2023
Date :15/11/2023

PKP/DD/SAR- /23.11.2023/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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