



CRL OP(MD) No.2945 of 2024

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

Monday, the Twenty Sixth day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2945 of 2024

GAJENDRAN

... PETITIONER /SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION, AUTHOOR,
THOOTHUKUDI DISTRICT.
(CR.NO.20/2024)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.PRAGALATHAN.N Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO. 20/2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for
the alleged offence under Sections 294(b), 506(ii) of IPC and Section 3 of the
Tamilnadu Property (Prevention of Damage and Loss) Act, 1992, in Crime No.20 of



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2024, seeks anticipatory bail.

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2. The case of the prosecution is that due to previous enmity, on 16.02.2024, at about 08.30 p.m., the petitioner waylaid the defacto complainant, at that time, wordy quarrel arose between them and the petitioner damaged the defacto complainant's right side window of the car. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that it is case in counter case.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that it is a case in counter case and also submitted that the petitioner has damaged the defacto complainant's right side window of the car, its worth about Rs.5,000/-.

5. Considering the facts and circumstances of the case and also the fact that it is a case in counter case, I am inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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 Court, Tiruchendur, Thoothukudi District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two



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sureties, each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix his photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(d) the petitioner is directed to deposit a sum of Rs.5,000/- (Rupees Five Thousand only) to the credit of Crime No.20 of 2024 before the learned Judicial Magistrate Court, Tiruchendur, Thoothukudi District, without prejudice to his rights and contentions and the trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that in the event the petitioner succeeds in the trial, he is entitled for refund of the said amount;

(e) the petitioner shall not tamper with evidence or witness either during



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investigation or trial;

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(f) the petitioner shall not abscond either during investigation or trial;

(g) 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]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

sd/-
26/02/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA
TO
1 THE JUDICIAL MAGISTRATE,
TIRUCHENDUR, THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
AUTHOOR POLICE STATION, AUTHOOR,
THOOTHUKUDI DISTRICT.

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



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

+1 CC to M/s.N.PRAGALATHAN, Advocate (SR-2389[I] dated 26/02/2024)

ORDER
IN
CRL OP(MD) No.2945 of 2024
Date :26/02/2024

SA/VR/SAR. /08.03.2024/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.