



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

Thursday, the Twenty Fifth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10400 of 2015

KRISHNAN

... PETITIONER/SUSPECTED ACCUSED

Vs

THE STATE REP.BY THE INSPECTOR OF POLICE
KOTTAR POLICE STATION, NAGERCOIL,
KANYAKUMARI DT, CRIME NO.100/2015

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.K.P.NARAYANAKUMAR Advocate

For Respondent : M/S.K.V.RAJARAJAN Govt. Advocate (Crl. Side)

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

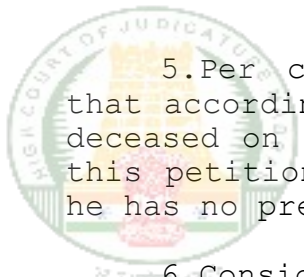
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as A6, was apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 341, 294(b) and 302 of IPC, in Crime No.100 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the defacto complainant one Muthumanickam, S/o.Mani was selling liquor on holidays, which was objected by her husband Nagarajan. The other accused namely Kasi, Andavar, Anand, Stalin were helping the said Muthumanickam for selling liquor. While so, on the birthday of Vallalar, the police party has seized Brandy bottles from the said Muthumanickam and his associates. The accused thinking that the defacto complainant's husband Nagarajan was responsible, attacked him with lethal weapons on 09.02.2015 and caused his death.

3.The learned counsel for the petitioner submitted that the petitioner is a 36th Ward Councillor of Nagercoil Municipality and he is a respectable person and he has no bad antecedents. However, in the complaint, the defacto complainant has mentioned that her husband was attacked by Stalin, Krishnan @ Kakkoos Krishnan and Sasi and therefore, suspecting, this petitioner is involved in this case, unnecessarily harassing them. He further submitted that the petitioner is an innocent person and due to wrong identity, he has been unnecessarily harassed by the respondent.

4.The learned counsel for the petitioner further submitted that the said Krishnan @ Kakkoos Krishnan is a thief and he is facing somany theft cases and his modes operandi is through Vendilator and Kakoos he enters into house and therefore, he was called as Kakoos Krishnan. The petitioner wrongly roped in this case.



5. Per contra, the learned Government Advocate (Crl.side) submitted that according to the defacto complainant, the petitioner has attacked the deceased on the left ear with aruval. It is further submitted that except this petitioner, all other accused were arrested and released on bail and he has no previous case and the investigation is over.

6. Considering the above facts, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Nagercoil and on executing 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 condition that the petitioner shall appear before the respondent police daily twice at 10.00 a.m., and 5.00 p.m., until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
25/06/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, NO.II, NAGERCOIL.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4 THE INSPECTOR OF POLICE
KOTTAR POLICE STATION, NAGERCOIL, KANYAKUMARI DISTRICT.

+1. CC to M/S.K.P.NARAYANAKUMAR Advocate SR.No. 33827.

TS/26.06.2015/2P -6C

ORDER
IN
CRL OP(MD) No.10400 of 2015
Date :25/06/2015