



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of June Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.10912 of 2015

T.VIJAYAKUMAR

..PETITIONER/ACCUSED No.3

Vs.

STATE REP.BY THE INSPECTOR OF POLICE
KALIYAKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.
CR. NO. 241 OF 2015.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.C.HEROLD SINGH Advocate

For Respondent : Mr.K.V.RAJARAJAN, Government 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 A3 apprehends arrest at the hands of the respondent police for the alleged offences punishable under sections 294(b), 353, 307 of IPC and section 4(1)(A) r/w 21(1) MMDR Act, 1957, 36(A) of MM Concession Rule 1959, in Crime No.241 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

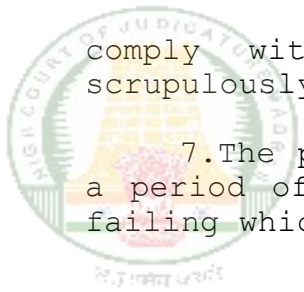
2.The case of the prosecution is that on 08.06.2015, when the respondent police was checking vehicles, the driver of the Tipper Lorry bearing Registration No.TN-75-C-4461 has not obeyed the order of the de-facto complainant and also attempted to murder him.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner is the owner of the vehicle and the vehicle was utilised to transport crusher dust, which is not prohibited by the authorities. It is further submitted that the petitioner was not at all present in the scene of occurrence and A1 and A2, who were available at the scene of occurrence, were arrested and they are still in custody.

4.The learned Government Advocate (Criminal side) appearing for the respondent submitted that the petitioner has no bad antecedents and he is the owner of the tipper Lorry bearing Registration No.TN-75-C-4461.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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, Kuzhithurai and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum. The petitioner is also directed to satisfy the learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.30 a.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/-

17/06/2015

WEB COPY

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI, KANYAKUMARI DISTRICT.

2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.

3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE, KALIYAKAVILAI POLICE STATION,
KANYAKUMARI DISTRICT.

+1. CC to M/S.S.C. HEROLD SINGH Advocate SR.No.31586

ORDER IN

CRL OP(MD) No.10912 of 2015

Date :17/06/2015

PBK/KBM 19/06/2015 ::2P-6C::