



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.1232 of 2015

1 MANOHARAN

2 MANI

..PETITIONERS/ACCUSED 4 & 5

Vs.

STATE REP.BY THE SUB INSPECTOR OF POLICE
PALAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.
CR. NO.341/2014.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.PALANI VELAYUTHAM Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 323, 324, 307, 506(ii) and Section 379(NH) I.P.C. r/w 109 I.P.C. in Crime No. 341 of 2014 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Counsel for the petitioner and the learned Government Advocate(Crl.Side).

3. This is the second anticipatory bail application and the first anticipatory bail application in Crl.O.P.(MD)No.170 of 2015 was dismissed by this Court on 08.01.2015.

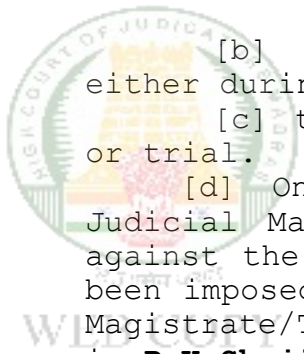
4. It is seen that when the earlier anticipatory bail application was argued, the petitioner had mentioned the defacto complainant as Muthukumari. Actually the defacto complainant in this case is one Muthukumar S/o Ponnu Nadar.

5. The learned Government Advocate(Crl.Side) would submit that there is no previous case against the petitioner and the petitioners have not used any lethal weapons and they have used only stick.

6. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyiyoor, Tirunelveli District on condition that each of 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 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] the petitioners shall stay at Tuticorin and report before the SIPCOT Police Station twice a day daily at 10.30a.m. and 06.30p.m. for a



[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial 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 Judicial 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]**.

sd/-

27/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.

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

4 THE SUB INSPECTOR OF POLICE, PALAVOOR POLICE STATION,
TIRUNELVELI DISTRICT.

5 THE INSPECTOR OF POLICE, SIPCOT POLICE STATION, THOOTHUKUDI.

+1. CC to M/S.S.PALANI VELAYUTHAM Advocate SR.No.3695

ORDER IN

CRL OP(MD) No.1232 of 2015

Date :27/01/2015

PBK 28/01/2015 ::2P-7C: