



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

Tuesday, the Twentieth day of October Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.20418 of 2015

1 THULASIDASS@ STALIN
2 K. SAISALAM
3 REJI MOHAN
4 LILLY SUNDARABAI

... PETITIONERS/ACCUSED 1-4

Vs

THE STATE REP.BY
THE INSEPECTOR OF POLICE,
KOLLANCODU POLICE STATION,
KANYAKUMARI DISTRICT,
(CRIME NO.138/15)

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S C.MUTHUSARAVANAN ADVOCATE

FOR RESPONDENT : A.P.BALASUBRAMANI, GOVT. ADVOCATE (CRL. SIDE)

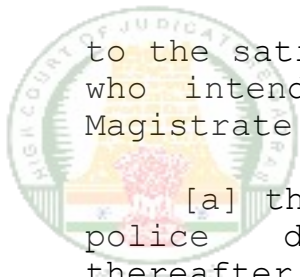
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 323, 324, 452 and 379 (NP) of the Indian Penal Code in Crime No.138 of 2015, on the file of the respondent police, seek anticipatory bail.

2. It is represented by the learned Government Advocate (Crl.Side) that injured has been discharged from the hospital and it is a case and counter and there is no previous case as against the petitioners.

3. Considering the facts that the injured has already been discharged from hospital and that it is a case and counter and the counter case has been registered in Crime No.137 of 2015, wherein the 2nd petitioner herein is the defacto complainant and that the petitioners have no previous antecedent, I am inclined to grant anticipatory bail to the 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kuzhithurai, Kanyakumari District, on condition that 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 1 to 3 shall report before the respondent police daily at 6:30 p.m., for a period of two weeks and thereafter as and when required and insofar as the 4th petitioner is concerned, she shall report before the respondent, as and when required, for interrogation.

[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 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 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].

The Inspector of Police concerned is directed to send compliance report to the office of the learned Additional Public Prosecutor whether the petitioners are complying with the order or not.

sd/-
20/10/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.II,
KUZHITHURAI
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.
3. THE INSEPECTOR OF POLICE,
KOLLANCODU POLICE STATION,
KANYAKUMARI DISTRICT,
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S C.MUTHUSARAVANAN Advocate SR.No. 62255

ORDER
IN
CRL OP(MD) No.20418 of 2015
Date :20/10/2015

2P/6C

<https://hcservices.courts.gov.in/hcservices/>
TE/AMF/SAR-1 : 20/10/2015