



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Wednesday, the Eleventh day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2375 of 2015

WEB COPY

1 SALEEM @ MOHAMMED SALEEM

2 SABARI @ SELVAKUMAR

..PETITIONERS/ACCUSED 1 & 6

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

SOUTH POLICE STATION,

TUTICORIN DISTRICT.

CR.NO.71/2015.

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.N.ANANDAKUMAR 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 :-

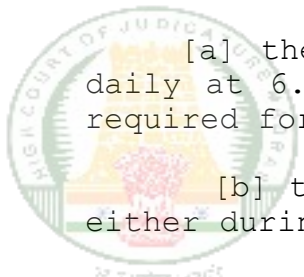
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294 (b), 506(ii) of IPC and Section 3 of TNPPDL Act, in Cr.No.71 of 2015 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant had earlier attacked the first petitioner and in respect of which, a case in Cr.No.16 of 2015 was registered. In retaliation thereof, the first petitioner and others had caused extensive damage to the vehicle and shop of the defacto complainant on 28.01.2015. The Police have arrested A-2, A-5 and A-8.

3.On instructions from the respondent Police, the learned Government Advocate (Crl.Side) submits that there are 17 previous cases against the first petitioner.

4.Considering the facts and circumstances of the case, this Court is not inclined to grant anticipatory bail to the first petitioner. As against the second petitioner, there is no previous case pending. Hence, this Court is inclined to grant anticipatory bail to the second petitioner.

5. Accordingly, the second petitioner/6<sup>th</sup> accused 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 No.I, Tuticorin, on condition that the petitioner shall execute a separate 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



[a] the second petitioner shall report before the respondent police daily at 6.30 p.m for a period of two weeks and thereafter as and when required for interrogation.

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

[c] the second petitioner 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 second petitioner in accordance with law as if the conditions have been imposed and the second petitioner 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/-  
11/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.I, THOOTHUKUDI.

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

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

4 THE INSPECTOR OF POLICE, SOUTH POLICE STATION, TUTICORIN DISTRICT.

+1. CC to M/S.N.ANANDAKUMAR Advocate SR.No.6361

ORDER IN

CRL OP(MD) No.2375 of 2015

Date :11/02/2015

PBK 12/02/2015 ::2P-6C: