



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

Monday, the Twenty First day of December Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.24521 of 2015

1 SUBIN

2 CHANDIRAN

... PETITIONERS/ACCUSED NO.2 & 3

Vs

THE STATE REP BY

SUB-INSPECTOR OF POLICE

KULASEKARAM POLICE STATION,

KANYAKUMARI DISTRICT

(CRIME NO.472 OF 2015) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S F.DEEPAK Advocate

For Respondent : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

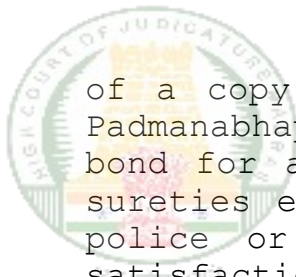
The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent Police for the alleged offence punishable under Section 174 Cr.P.C. altered into Sections 306 and 304(ii) I.P.C., in Crime No.472 of 2015 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 10.10.2015, all the petitioners trespassed into the house of the defacto complainant with wooden lock and Aruval and quarreled with her husband and thereafter her husband was found dead in the channel.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent.

4.The learned counsel for the petitioners submitted that even the alteration report states that the deceased died out of an injury caused by a stone in a channel river.

5.Considering the above, 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, Padmanabhapuram, on condition that the petitioners 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 report before the respondent police daily at 10.30 am for a period of two weeks and thereafter 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 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

6.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.

7.The petitioners 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/-
21/12/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE JUDICIAL MAGISTRATE, PADMANABHAAPURAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL
- 3 THE SUB-INSPECTOR OF POLICE,
KULASEKARAM POLICE STATION, KANYAKUMARI DISTRICT
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S F.DEEPAK Advocate SR.No.75587

ORDER
IN
CRL OP(MD) No.24521 of 2015
Date :21/12/2015