



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Thirteenth day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2586 of 2015

WEB COPY

SEKAR @ SETHURAMALINGAM

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY THE SUB INSPECTOR OF POLICE

SRIVAIAKUNDAM POLICE STATION,

THOOTHUKUDI DISTRICT.

CRIME NO.39/2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S. A. MUTHU ESAKKI Advocate

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

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 353 and 506(ii) IPC, in Crime No.39 of 2015 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that this petitioner had entered into the Ration Shop, where the *de facto* complainant is serving and threatened him on the ground that one of the co-employees has been transferred by the *de facto* complainant. There is no previous case against the petitioner.

3. The learned counsel for the petitioner submits that the petitioner is a social activist.

4. Taking into consideration of the nature of allegations against the petitioner, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner 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, Srivaikundam, 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 petitioner shall stay at Tirunelveli and report before the Junction Police Station, Tirunelveli, twice a day at 10:30 in the morning and 06:30 in the evening for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either
<https://hcservicescourts.gov.in/hcservices>



[c] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 petitioner is complying with the order or not.

sd/-

13/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE, SRIVAIKUNDAM, THOOTHUKUDI DISTRICT.

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

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

4 THE SUB INSPECTOR OF POLICE, SRIVAIKUNDAM POLICE STATION,
THOOTHUKUDI DISTRICT.

5 THE INSPECTOR OF POLICE, JUNCTION POLICE STATION, TIRUNELVELI.

+1. CC to M/S. A. MUTHU ESAKKI Advocate SR.No.6946

ORDER IN

CRL OP(MD) No.2586 of 2015

Date :13/02/2015

PBK 16/02/2015 ::2P-7C: