



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Friday, the Twentieth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5010 of 2015

1 ESAKKIAPPAN

2 NAZEER

..PETITIONERS/ACCUSED 8 & 9

Vs.

STATE REP.BY THE INSPECTOR OF POLICE

VALLIOOR POLICE STATION,

TIRUNELVELI DIST.

CRIME NO. 45 OF 2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.R.ANBARASU Advocate

For Respondent : 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 offences punishable under Sections 147, 148, 341, 365 and 302 IPC in Crime No.45 of 2015 on the file of the respondent police, seek anticipatory bail.

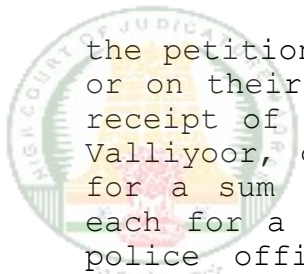
2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.

3. The case of the prosecution is that the deceased in this case is one Ramachandran, who was found in a public place with serious injuries and was brought to the Government Hospital, Palayamkottai on 06.02.2015 in the afternoon. Thereafter, based on the complaint given by his brother by name Gunasekaran, the respondent police have registered the present case in Crime No.45 of 2015 for offences under Sections 147, 148, 341, 365 and 302 IPC against three named persons and 10 unnamed persons. Gunasekaran in his complaint has stated that he came to the hospital on coming to know that his brother Ramachandran was admitted and at that time, Ramachandran told him that he was abducted and attacked indiscriminately by Gnanathiraviyam (A1), his son Xavier Selvaraja (A2), Dinakaran (A3) and 10 others on account of business rivalry.

4. This Court, by a well considered order, had dismissed the anticipatory bail of Gnanathiraviyam and Xavier Selvaraja in Crl.O.P.(MD) No.2356 of 2015 on 27.02.2015. This Court had granted anticipatory bail to the co-accused in this case by name Erik Judi in Crl.O.P.(MD) No.3708 of 2015 on 05.03.2015. As regard allegations against this petitioner are concerned, this Court perused the case diary and found that these petitioners were drivers employed by Gnanathiraviyam and his son Xavier Selvaraja. The name of these petitioners does not figure in the FIR. Therefore, the case is not on par with the case of Gnanathiraviyam and his son Xavier Selvaraja, who had master mined the abduction and murder.

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5. Under such circumstances, this Court is of the view that this is a fit case to grant anticipatory bail to these 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, Valliyoor, 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 report before the respondent police daily at 10:30 a.m. for a period of four weeks and thereafter as and when required for interrogation;

[b] the petitioners shall not tamper with the 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].

sd/-
20/03/2015

/ 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 INSPECTOR OF POLICE, VALLIOOR POLICE STATION,
TIRUNELVELI DISTRICT.

+1. CC to M/S.S.R.ANBARASU Advocate SR.No.13588

ORDER IN
CRL OP(MD) No.5010 of 2015
Date :20/03/2015

PBK 20/03/2015 ::2P-6C: