



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

Tuesday, the Twentieth day of January Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.818 of 2015

1 SOMAN

2 M.MARIAPPAN

... PETITIONERS / ACCUSED 1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
MANAVALAKURICHI POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.130 OF 2015.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.SUBBIAH Advocate

For Respondent : M/S.A.P.BALASUBRAMANI, Govt. Advocate (Crl.Side)

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

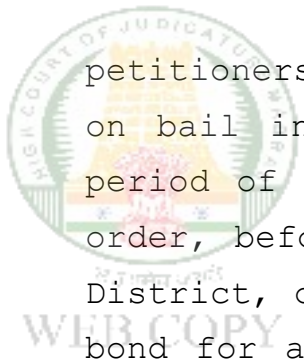
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 153(A) and 295(A) IPC in Crime No.13 of 2015 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners, being the office bearers of Hindu Munnani Organisation, insulted the religious belief of the people belong to another religion and promoted enmity while speaking in a demonstration conducted by the said organisation condemning the biased attitude of respondent police in exercising their powers and their atrocity.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the State.

4. It appears that these petitioners had staged a demonstration against the partisan attitude of the Police and in the lathe charge one person was injured. Considering the facts and circumstances of the case, 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, Eraniel, Kanyakumari District, on condition that the petitioners 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 on further condition that:

[a] the petitioners shall stay at Tuticorin and report before Sipcot Police Station twice a day at 10:30 a.m. and 06:30 p.m. 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/Trial Court is entitled to take appropriate action against the petitioners 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]**.

sd/-
20/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, ERANIEL, KANYAKUMARI DISTRICT.
 - 2 -DO-THRO' THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI @ NAGERCOIL.
 - 3 THE INSPECTOR OF POLICE, MANAVALAKURICHI POLICE STATION, KANYAKUMARI DISTRICT.
 - 4 THE OFFICER IN-CHARGE, SIPCOT POLICE STATION, TUTICORIN.
 - 5 THE ADDITIONAL PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.P.SUBBIAH, Advocate SR.No.2611.

<https://hcservices.ecourts.gov.in/hcservices/>

msm 22.01.2015 p2/7c

ORDER IN
CRL OP(MD) No.818 of 2015
Date :20/01/2015