



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Monday, the Fifteenth day of June Two Thousand Fifteen
PRESENT

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) Nos.9316 and 9317 of 2015

WEB COPY

SELVARAJ

... PETITIONER/ACCUSED NO.2
IN CRL OP(MD).9316/2015 AND
PETITIONER/SOLE ACCUSED IN
CRL OP(MD)No.9317/2015

Vs

STATE REP BY
THE INSPECTOR OF POLICE
KOLLENCODE POLICE STATION,
KANYAKUMARI DISTRICT,
CRIME NOS.103 & 105/2015.

... RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.S.SIVAKUMAR Advocate
IN BOTH THE PETITIONS

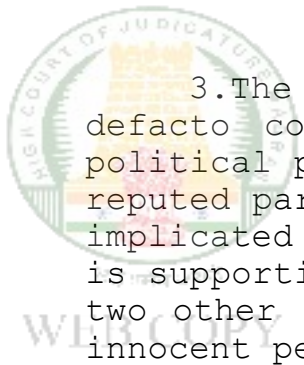
For Respondent : MR.K.V.RAJARAJAN Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

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

ORDER : The Court Made the following order :-

The petitioner in Crl.O.P.No.9316 of 2015, who is arrayed as A2 apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 323, 379(NP), 427, 506(ii) IPC in Crime No.103 of 2015 on the file of the respondent police and hence, seeks anticipatory bail. The petitioner in Crl.O.P.No.9317 of 2015, who is arrayed as sole accused apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 353, 294(b), 506(ii) IPC in Crime No.105 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2.According to the defacto complainant in Crime No.103 of 2015 in Crl.O.P.No.9316 of 2015, on 20.04.2015, the accused trespassed into his business premises and snatched Rs.26,000/- and cell phone worth of Rs.5,000/- and also damaged the property to the tune of Rs.10,000/-. In Crl.O.P.No.9317 of 2014 in respect of Crime No.105 of 2015, the Head Constable attached to the respondent police preferred a complaint alleging that when they had gone to the house of the petitioner for enquiry, the accused threatened them with arival.



3.The learned counsel for the petitioner submitted that the defacto complainant in Crime No.103 of 2015 belongs to opposite political party and the petitioner is holding a post in the National reputed party and due to political vengeance the petitioner has been implicated in the case. It is further submitted that the respondent is supporting the defacto complainant's party and implicating him in two other cases. It is further submitted that the petitioner is an innocent person and he has been falsely implicated in the cases.

4.Per contra, the learned Government Advocate(Crl.side) appearing for the State submitted that in respect of Crime No. 103 of 2015 the petitioner/A2 is having two previous cases and he has damaged the property of the defacto complainant and also took away Rs.26,000/- and the accused 1 and 3 were granted anticipatory bail by the Sessions Court. The learned Government Advocate submitted that in respect of Crime No.105 of 2015 none sustained injury.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

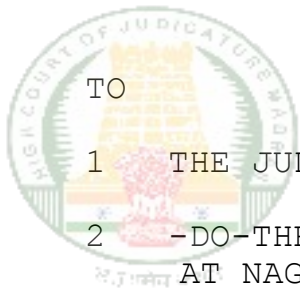
6.Accordingly, in respect of Crime No.103 of 2015 in Crl.O.P.No.9316 of 2015, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Kuzhithurai, on executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioner shall deposit Rs.20,000/-(Rupees twenty thousand only)to the credit of Crime No.103 of 2015 without prejudice his right in the criminal case and he shall appear before the Judicial Magistrate No.II,Kuzhithurai, daily at 10.30 A.M for a period of two weeks.

7. In respect of Crime No.105 of 2015 in Crl.O.P.No.9317 of 2015, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Kuzhithurai, on executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the Judicial Magistrate No.II, Kuzhithurai, daily at 10.30 a.m for a period of two weeks. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

8. The petitioner 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/-
15/06/2015

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TO

1 THE JUDICIAL MAGISTRATE, NO.II, KUZHITHURAI

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE KANAYAKUMARI DISTRICT
AT NAGERCOIL

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

4 THE INSPECTOR OF POLICE
KOLLENCODE POLICE STATION, KANYAKUMARI DIST.

+2. CC to M/S.S.SIVAKUMAR Advocate SR.Nos.30836 & 30837

ORDER

IN

CRL OP(MD) No.9316&9317 of 2015

Date :15/06/2015

NA/KBM/17/06/2015/P3/7C