



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

Thursday, the Thirtieth day of April Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice K.KALYANASUNDARAM

CRL OP(MD) No.7437 of 2015

S.MANIKANDAN

... PETITIONER/ACCUSED ANK NOT KNOWN

Vs

STATE REP BY INSPECTOR OF POLICE
SUCHINDRUM POLICE STATION, KANYAKUMARI DIST.
(CRIME NO. 469 OF 2014) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.MAHENDRAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN Govt. Advocate (Crl. Side)

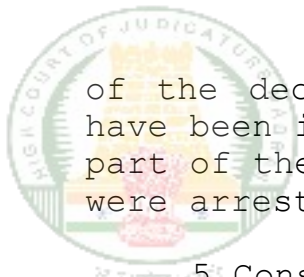
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 148, 341, 302 and 506(ii) IPC in Crime No.469 of 2014 on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that due to the dispute over celebrating festival at Pathirakaliamman Temple and release of a cassette, there was dispute between the village people of the defacto complainant of Pallathoor due to which on 11.08.2014 the accused attacked the husband of the defacto complainant and caused his death.

3.The learned counsel for the petitioner that originally 7 named accused were implicated in this case and specific overt acts were attributed to each of the accused and according to FIR, the petitioner aimed at the neck of the deceased, he sustained injury on the hand. The overt act against the second accused is that he caused cut injury on the back side of the neck and one Achuthan thrown a stone on the head of the deceased and thereby he died, the second accused and the said Achuthan, who have caused fatal injuries have been deleted by the respondents and new accused have been included. The learned counsel for the petitioner submitted that FIR itself creates serious doubt over the prosecution case.



of the deceased and as per the subsequent statement, new accused have been included in this case. He would further submit that major part of the investigation is over and except this petitioner, others were arrested and released on bail.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate Court No.III, Nagercoil, and 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 respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. 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/-
30/04/2015

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE
SUCHINDRUM POLICE STATION, KANYAKUMARI DIST.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.MAHENDRAN Advocate SR.No.24192

ORDER
IN
CRL OP(MD) No.7437 of 2015
Date : 30/04/2015

AA/05.05.2015/2p- 6c/