



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

Wednesday, the Third day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.21925 of 2015

S.MOHAMED GNANIYAR @
MAKTHOOM GNANIYAR

..PETITIONER/ACCUSED NO.5

Vs.

1 STATE REP.BY
THE INSPECTOR OF POLICE
MANUR POLICE STATION,
TIRUNELVELI DISTRICT.
(CRIME NO. 192 OF 2015)

..1st RESPONDENT/COMPLAINANT

2 MOHAMMED SYED MASUD

..2nd RESPONDENT/DE-FACTO COMPLAINANT

For Petitioner : M/S.H.ARUMUGAM Advocate
For Respondents : MR.A.P.BALASUBRAMANI,
Govt. Advocate (Crl. Side) for R1

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.
ORDER : The Court Made the following order :-

The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 465, 467, 468, 471 and 420 I.P.C., in Crime No.192 of 2015, on the file of the first respondent Police, seeks anticipatory bail.

2. Heard Mr.H.Arumugam, learned counsel appearing for the petitioner / 5th Accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that this Court, vide Order dated 29.06.2015, in Crl.O.P.(MD) No.11727 of 2015, has granted anticipatory bail to the co-accused Mohamuthal and Mohamed Haneefa / Accused 1 and 3 in this case. Under such circumstances, this Court is inclined to grant anticipatory bail to the petitioner / 5th Accused. Accordingly, he 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 No.V, Tirunelveli, on condition that the petitioner / 5th Accused 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner / 5th Accused shall report before



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the respondent Police daily at 06.30 p.m., for a period of two weeks and thereafter as and when required for interrogation.

- (ii) the petitioner / 5th Accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner / 5th Accused shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner / 5th Accused in accordance with law as if the conditions have been imposed and the petitioner / 5th Accused 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]**.

4. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
03/02/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.
- 2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE
MANUR POLICE STATION, TIRUNELVELI DISTRICT.

+1. CC to M/S.H.ARUMUGAM Advocate SR.No.6799

akm/05.02.2016/ 2p- 6c/NGM/SS/SAR-I

ORDER
IN
CRL OP(MD) No.21925 of 2015
Date :03/02/2016