



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

Friday, the Twenty Fourth day of June Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10127 of 2016

1 SWAMINATHAN
2 SENTHIL KUMAR

... PETITIONERS/ACCUSED No.1&2

Vs

THE INSPECTOR OF POLICE,
B4, KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT, MADRUAI,
CR NO. 165 OF 2016.

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S T.ANTONY ARUL RAJ, ADVOCATE
FOR RESPONDENT : MR.P.KANNITHEVAN, GOVERNMENT ADVOCATE (CRL. SIDE)

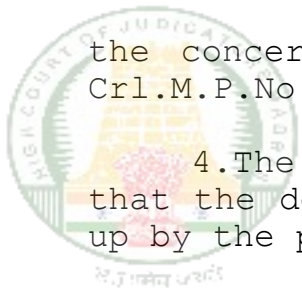
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1 and 2 apprehend arrest at the hands of the respondent police for the offence punishable under Section 304 of IPC, in Crime No.165 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 14.04.2016, the brother of the de facto complainant died due to electric shock, which was connected in the fencing of A.1's land. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. The deceased was working as a labour under one Rajamanickam in his coconut godown very next to the first petitioner's land and due to the dispute between the petitioners and the said Rajamanickam, a false complaint has been given. The deceased did not die due to electric shock in the fencing of the first petitioner and he died only in the premises of the said Rajamanickam and already A.3 was arrested and enlarged on bail by



the concerned Sessions Court vide order dated 25.05.2016 made in CrI.M.P.No.366 of 2016.

4.The learned Government Advocate (Criminal side) submitted that the deceased died due to the electric shock in the fencing put up by the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that A.3 was arrested and enlarged on bail by the concerned Sessions Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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, Melur, on condition that each of the petitioners 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 petitioners shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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 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]**.

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

sd/-
24/06/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
B4, KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S T.ANTONY ARUL RAJ Advocate SR.No. 32770

ORDER
IN
CRL OP (MD) No.10127 of 2016
Date :24/06/2016

SMN

TE/NGM-MP/SAR-II : 28/06/2016 : 3P/6C