



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

Monday, the Eighteenth day of July Two Thousand Sixteen
PRESENT

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

CRL OP (MD) No.10746 of 2016

WEB COPY

SHIVAPRAHASAM

... PETITIONER/ACCUSED No.1

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE

ARUPPUKOTTAI TOWN POLICE STATION,

VIRUDHUNAGAR DISTRICT.

(CRIME NO. 332 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.BASKARAN Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.1, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 143 and 188 IPC, in Crime No.332 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 29.04.2016 at about 08.00 p.m., the petitioner along with other accused conducted election rally without obtaining any permission from the Election Commission. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. He has been falsely implicated in this case. The petitioner is ready to abide any condition to be imposed by this Court.

4.The learned Government Advocate (Criminal side) filed a counter affidavit and submitted that on 29.04.2016 at about 08.00 p.m., the petitioner along with 25 others were conducted election rally without obtaining any permission from the Election Commission. Investigation is in preliminary stage. If the petitioner is enlarged on anticipatory bail, he will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the nature of allegation, 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, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukottai, on condition that the petitioner 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 shall report before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner 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 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]**.

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 petitioner is complying with the conditions or not.

sd/-
18/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE
ARUPPUKOTTAI.
 - 2 DO-THRO'THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
 - 3 THE SUB INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +1. CC to M/S A.BASKARAN Advocate SR.No.37664

ORDER
IN
CRL OP(MD) No.10746 of 2016
Date :18/07/2016

PA/SK-SKN/SAR II/21.07.2016/2P/6C