



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

Tuesday, the Nineteenth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11272 of 2016

1 N. SUBBURAM
2 SUNDARRAJ

... PETITIONERS/ACCUSED No.6&7

Vs

THE STATE REP. BY ITS
SUB INSPECTOR OF POLICE,
EAST POLICE STATION,
KOVILPATTI,
CRIME NO. 119 OF 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONER : M/S.S.SELVAKUMAR, 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 :-

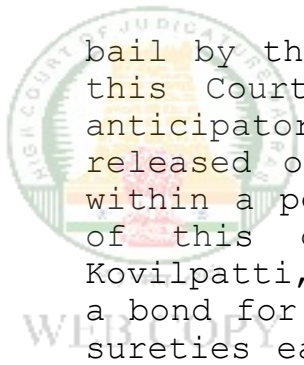
The petitioners, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 147, 364, 468, 471, 506(i) and 120(b) of IPC in Crime No.119 of 2016, on the file of the respondent Police, seek anticipatory bail.

2. It is seen that for the alleged incident that took place on 03.02.2014, the F.I.R., in Crime No.119 of 2016 has been registered only on 07.03.2016, pursuant to the Court's direction. On reading of the F.I.R., it is seen that on 03.02.2014, the *de facto* complainant's brother was allegedly abducted by the petitioners and forced to convey a property to them. Later, *de facto* complainant's brother died on 10.07.2015 and it is stated in the F.I.R., that before death, he had confided these facts to the *de facto* complainant.

3.The case of the petitioners is that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. The co-accused Nos.3 & 4 were already granted anticipatory bail by this Court in Crl.O.P(MD)No.5793 of 2016 dated 05.04.2016.

4.The learned Government Advocate(Crl.side) submitted that the investigation is pending.

5. Taking into consideration the above facts and the nature of allegations made against the petitioners and also considering the fact that the co-accused Nos.3 & 4 were already granted anticipatory



bail by this Court in Crl.O.P(MD)No.5793 of 2016 dated 05.04.2016, this Court is of the view that this is a fit case to grant anticipatory bail to them. 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 No.I, Kovilpatti, 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 as and when required for interrogation.
- (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]**.

sd/-
19/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.1, KOVILPATTI.
 2. THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
 3. THE SUB INSPECTOR OF POLICE,
EAST POLICE STATION,
KOVILPATTI.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.SELVAKUMAR Advocate SR.No. 37672