



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

Wednesday, the Twentieth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.11476 of 2016

MUTHAIAH

... PETITIONER / ACCUSED NO.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
SOUTH THAMARAKULAM POLICE STATION,
KANYAKUMARI DISTRICT,
CR NO. 251/2016.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S K.PARAMASIVAM 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.4, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 427 and 506(ii) of IPC, in Crime No.251 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

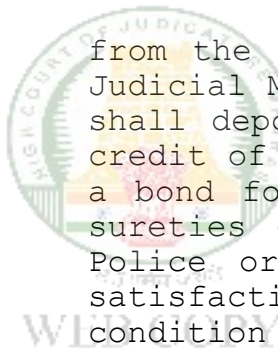
2.The case of the prosecution is that due to previous enmity, the petitioner and other accused abused the defacto complainant in filthy language and demolished the compound wall of the defacto complainant. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case and prays for anticipatory bail in favour of the petitioner.

4.The learned counsel for the petitioner submitted that the petitioner is ready and willing to deposit a sum of Rs.3,000/-.

5.It is submitted by the learned Government Advocate (Crl.Side) that no one sustained injury in the alleged occurrence.

6.Considering the facts and circumstances of the case and also considering the submission that no one sustained injury, this Court is ordered to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, he is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days



from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, on condition that the petitioner shall deposit a sum of Rs.3,000/- (Rupees Three Thousand only) to the credit of Crime No.251 of 2016, before the said Court and 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]**.

7.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/-

20/07/2016

/ TRUE COPY /

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

am
TO

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

+1. CC to M/S K.PARAMASIVAM Advocate SR.No.37858

GJM/ARK/PV/SAR-I-27.7.16-2P-6C

ORDER

IN

CRL OP(MD) No.11476 of 2016

Date :20/07/2016