



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

Monday, the Twenty Fifth day of July Two Thousand Sixteen

PRESENT

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

WEB COPY

CRL OP(MD) No.11835 and 11377 of 2016

1 KLINTON,
2 ANEESH,
3 NICSON @ RICSON,
4 VINEATH,
5 DITTU @ TITTU,
6 ABIN @ ABINSTON,
7 AJIBIN @ AJIVIN,
8 N.THITTU @ TINTU,
9 VINOTH,
10 SHIBU @ ANTONY SHIBU,
11 SILUVAI IRUTHAYAM,

...PETITIONERS 1 to 11/ACCUSED 1 to 10 & 14
in CRL OP(MD) No.11835 of 2016

DERIL

...PETITIONER/ACCUSED NO.13
in CRL OP(MD) No.11377 of 2016

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
VELLICHANTHAI POLICE STATION,
KANYAKUMARI DISTRICT.
(CRIME NO.179/2016)

... RESPONDENT / COMPLAINANT IN BOTH CASES.

For Petitioners : M/S M.P.SENTHIL Advocate in CRL OP(MD) No.11835 of 2016
For Petitioner : M/S P.LATHA. Advocate in CRL OP(MD) No.11377 of 2016
For Respondent: MR.P.KANNITHEVAN, Govt. Advocate(Crl. Side) in Both cases
For Intervenor: M/S. JEEN JOSEPH, Advocate.

PETITIONS 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 to 10, 13 & 14, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.179 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

3.The learned counsel for the petitioners in Crl.O.P.(MD)No.11835 of 2016 submitted that the petitioner No.3 in Crl.O.P.(MD)No.11835 of 2016 was arrested and remanded to judicial custody. Hence, this petition is dismissed as against the third petitioner.



4.It is submitted by the learned Government Advocate (Crl.Side) that the injured person had already been discharged from the hospital.

5.Heard the learned counsel for the intervenor.

6.Considering the facts and circumstances of the case and also considering the fact that the injured person had already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners except the petitioner No.3 in Crl.O.P(MD)No.11835 of 2016, 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, Eraniel, 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 10.30 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].

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 petitioners are complying with the conditions or not.

sd/-

25/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, ERANIEL.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, VELLICHANTHAI POLICE STATION, KANYAKUMARI DISTRICT.

+1. CC to M/S M.P.SENTHIL Advocate SR.No.39150

+1CC to M/S.P.LATHA, Advocate, SR.No. 39198.

ORDER

IN

CRL OP(MD)No.11835 and 11377 of 2016

Date :25/07/2016

<https://hcservices.ecourts.gov.in/hcservices/>

AM/SK.SKN/SAR-III/26.07.2016/2P/7C