



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.11928 of 2016

SAKTHIVELMURUGAN @ KANNAN

... PETITIONER/ACCUSED NO.1

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
PUDUR POLICE STATION,
VILATHIKULAM,
THOOTHUKUDI DISTRICT.
(CRIME NO.135 OF 2015)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S R.RAJARAMAN Advocate

For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

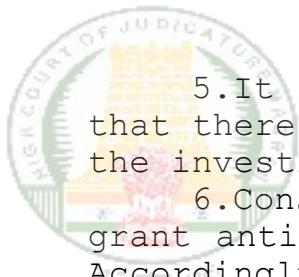
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 447, 294(b), 506(ii) of IPC and Section 3, 3(1) PPDL Act r/w 120(b) of IPC, in Crime No.135 of 2015, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 18.11.2015, the petitioner along with other accused demolished the new 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 one Nadar School have a Title only for an extent of 2 Acres 10 cents, but they have encroached 4 Acres of the Village Communal Land and the same was using as a public pathway. The petitioner joined in the Indian Army. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution 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.10,000/-.



5.It is submitted by the learned Government Advocate (Crl.Side) that there is a possibility of communal clash between two groups and the investigation is pending.

6.Considering the facts of the case, this Court is inclined 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Vilathikulam, on condition that the petitioner shall deposit a sum of Rs.10,000/- (Rupees Ten thousand only) to the credit of Crime No.135 of 2015, 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., and 5.00 p.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, VILATHIKULAM
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT
- 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI
- 4.THE INSPECTOR OF POLICE, PUDUR POLICE STATION,
VILATHIKULAM, THOOTHUKUDI DISTRICT.

+1. CC to M/S R.RAJARAMAN Advocate SR.No.37365
RL/6C/2P/SKS/RR/SARI/22/7/2016

ORDER

IN

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Date :18/07/2016