



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.12127 of 2016

BRAHMA SAKTHI @ CHINNA SAKTHI

... PETITIONER/A1

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
SAIDHUNGANALLUR POLICE STATION,
THOOTHUKUDI DISTRICT. CR. NO.110/2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.MANDHIRALINGESWARAN 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 petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 387 and 506(ii) of IPC, in Crime No.110 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner along with other accused demanded money for consuming liquor, when the same was refused by the defacto complainant, the petitioner in an inebriated mood, abused the defacto complainant with filthy language and threatened him with dire consequences. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that 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.It is submitted by the learned Government Advocate (Crl.Side) that no one sustained injury in the alleged occurrence.

5.Considering the facts and circumstances of the case and also considering the fact that no one sustained injury in the alleged



occurrence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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, Srivaikuntam, 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 10.30 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/-
20/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, SRIVAİKUNTAM
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT
- 3 THE INSPECTOR OF POLICE
SAIDHUNGANALLUR POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.MANDHIRALINGESWARAN Advocate SR.No.38045

ORDER IN
CRL OP(MD) No.12127 of 2016
Date :20/07/2016