



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

Thursday, the Twenty First day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12405 of 2016

1 JACOB NESAMONY
2 SEBESTIAN

... PETITIONER/ACCUSED NO.1 & 2

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
MUKKODAL POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.106 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.PETHURAJESH Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

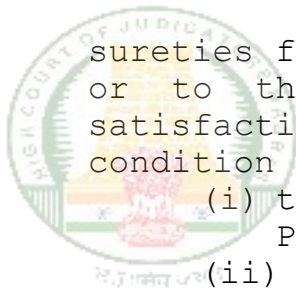
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 2, apprehend arrest at the hands of the respondent Police for the alleged offences punishable under Sections 447, 294(b), 323 and 506 (i) IPC and Section 3 of TNPPDL Act in Crime No.106 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 he further submitted that the petitioners are ready and willing to deposit a sum of Rs.3000/-.

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

4.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, 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, Cheranmahadevi, on condition that each of the petitioners shall deposit a sum of Rs.3,000/- (Rupees three thousand only) to the credit of Crime No.106 of 2016, before the said Court and 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 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]**.

5.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/-
21/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE, CHERANMAHADEVI, TIRUNELVELI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI.
- 3 THE INSPECTOR OF POLICE, MUKKODAL POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR, MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S P.PETHURAJESH Advocate SR.No.38668
NBJ
CSL/GSV-PM/SAR-I/25.07.2016 : 2P/6C

ORDER
IN
CRL OP(MD) No.12405 of 2016
Date : 21/07/2016