



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

Friday, the Twenty Second day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.12447 of 2016

CHINNAIAH

... PETITIONER/ACCUSED NO.10

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

KARIKUDI NORTH POLICE STATION,

SIVAGANGAI DISTRICT,

CRIME NO. 352 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S K.VIDYA 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 :-

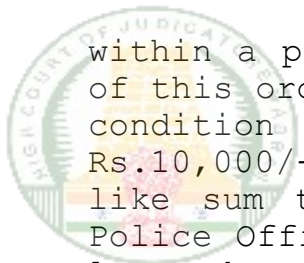
The petitioner, who is arrayed as Accused No.10, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 342, 363 and 506(ii) IPC, in Crime No.352 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 12.06.2016, the petitioner along with other accused persons went to the house of the de facto complainant and demanded a sum of Rs.4,10,000/- from her husband and when he refused to give the same, the accused persons abused them in filthy language and threatened them with dire consequences. Further the accused persons have taken away the husband of the de facto complainant in a Scorpio Car bearing Registration No.TN-67-Z-0282. On complaint case has been registered for the above said offences.

3.The case of the petitioner is that he is an innocent and he has not committed any offence as alleged by the prosecution. He was not present at the place of occurrence and he is only a driver of the vehicle and based on the confession of A.1, he has been falsely implicated in this case.

4.The learned Government Advocate (Criminal side) submitted that the victim has been secured and investigation is pending.

5.Considering the facts and circumstances of the case and also considering the nature of allegation made against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner 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, Karaikudi, 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 stay at Kottampatti and report before the Inspector of Police, Kottampatti Police Station 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]**.

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/-

22/07/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, KARAUKUDI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, SIVAGANGAI.

3 THE INSPECTOR OF POLICE, KARIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT,

4 THE INSPECTOR OF POLICE, KOTTAMPATTI POLICE STATION, KOTTAMPATTI.

5 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S K.VIDYA Advocate SR.No.38721

ORDER

IN

CRL OP(MD) No.12447 of 2016

Date :22/07/2016

SMN

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

CSL/SRS-RR/SAR-III/26.07.2016 : 2P/7C