



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

Friday, the Twenty Ninth day of July Two Thousand Sixteen

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PRESENT

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

CRL OP (MD) No.12495 of 2016

1 SARAVANAN ...PETITIONER-1/ACCUSED No.3
2 KANAGARAJ ... PETITIONER No.2/ACCUSED No.9

Vs

THE INSPECTOR OF POLICE,
NAGAMALAI PUTHUKKOTTAI POLICE STATION,
MADURAI DISTRICT.

(CRIME NO.384 OF 2016) ... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.MAYAPERUMAL Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

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

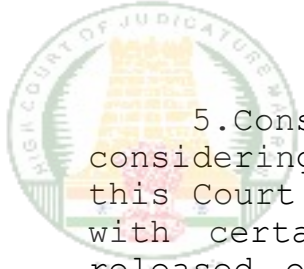
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.3 and 9 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341, 170, 354, 364 and 109 IPC, in Crime No.384 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 15.07.2016 at about 1200 Noon, at the instigation of A3, A.5, A.6, A.7 and A.8, A.1 and A.2 kidnapped the de facto complainant and one Eswari in the car owned by A.4 and misbehaved with them and tried to take them in the field of A.9 and tried to kill them. On complaint case has been registered for the above said offences.

3.The case of the petitioners is that they are innocent persons and they have not committed any offence as alleged by the prosecution. They have nothing to do with the alleged occurrence and no case is made out against the petitioners and they were not present at the time of occurrence and they have been falsely implicated in this case.

4.The learned Government Advocate (Criminal side) submitted that on the complaint given by the de facto complainant, a case has been registered and investigation is pending.



5. Considering the facts and circumstances of the case and also considering the nature of allegation made against the petitioners, 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 No.6, Madurai, Madurai District, 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 as and when required for interrogation.
- (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]**.

sd/-
29/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE NO.6, MADURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT
- 3 THE INSPECTOR OF POLICE,
NAGAMALAI PUTHUKKOTTAI POLICE STATION, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.MAYAPERUMAL Advocate SR.No.40530

ORDER IN
CRL OP(MD) No.12495 of 2016
Date :29/07/2016