



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

Tuesday, the Twenty Sixth day of July Two Thousand Sixteen

WEB COPY

PRESENT

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

CRL OP(MD) No.12734 of 2016

1 PADIDURAI
2 GANAPATHY

... PETITIONERS/ACCUSED 2&3

Vs

THE STATE BY
THE INSPECTOR OF POLICE
UTHUMALAI POLICE STATION
TIRUNELVELI DISTRICT,
CRIME NO.26 OF 2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S D.VENKATESH Advocate

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

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

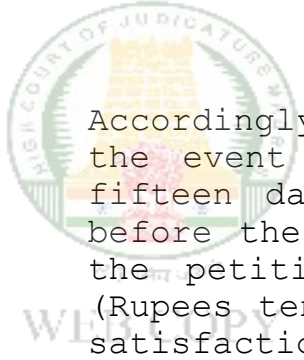
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.2 & 3, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) of IPC, in Crime No.26 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence and they have been falsely implicated in this case. Further, the petitioners have already filed Crl.O.P(MD) No.10206 of 2016 for anticipatory bail before this Court and this Court vide order, dated 24.06.2016, granted anticipatory bail to them. They could not produce the sureties before the Judicial Magistrate for the reason that they could not arrange the sureties. Hence, the petitioners have come up with the present petition.

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

4.Considering the facts and circumstances of the case and also the considering fact that this Court has already granted anticipatory bail to the petitioners vide order dated 24.06.2016 made in Crl.O.P(MD) No.10206 of 2016, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



Accordingly, the petitioners 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, Tenkasi, on condition that 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]**.

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 petitioners are complying with the conditions or not.

sd/-
26/07/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

- 1 THE JUDICIAL MAGISTRATE, TENKASI
- 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
UTHUMALAI POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S D.VENKATESH Advocate SR.No.39772

ORDER
IN
CRL OP(MD) No.12734 of 2016
Date :26/07/2016