



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

Friday, the Twenty Ninth day of July Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13309 of 2016

JOHN PETER

... PETITIONER/4TH ACCUSED

Vs

STATE THROUGH

THE INSPECTOR OF POLICE,

PUTHUKADAI POLICE STATION, KANYAKUMARI DISTRICT.

(CRIME NO.253 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S P.M.VISHNUVARTHANAN Advocate

For Respondent : M/S.P.KANNITHEVAN,

Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

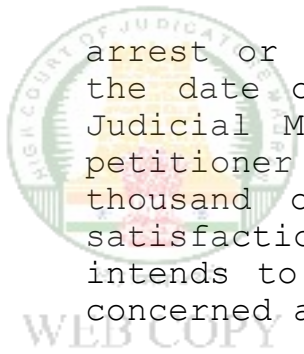
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147,148 of IPC and Section 27(1) of Arms Act, 1959 in Crime No.253 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioner along with other accused entered in to the place of the defacto complainant with 9 Aruvals and the same was enquired by the village people of the defacto complainant and on complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) submitted that 9 weapons were recovered from the accused persons and no one has sustained injury in the alleged occurrence and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that no one has sustained injury, this Court is inclined to grant anticipatory bail to the petitioner. 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 No.II, Kuzhithurai and 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.00 am and 5.00 pm until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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 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 petitioner is complying with the condition or not.

sd/-

29/07/2016

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL

3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

4.THE INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION, KANYAKUMARI DISTRICT.

+1. CC to M/S P.M.VISHNUVARTHANAN Advocate SR.No.40551

RL/6C/2P/SK/SKN/SARIII/5/8/2016

ORDER

IN

CRL OP(MD) No.13309 of 2016

Date :29/07/2016