



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

Thursday, the Fourth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.13870 of 2016

V.FELIX SELVARAJAN

... PETITIONER/1st ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
SUSEENDRAM POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.174/2016

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.P.NARAYANAKUMAR 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 :-

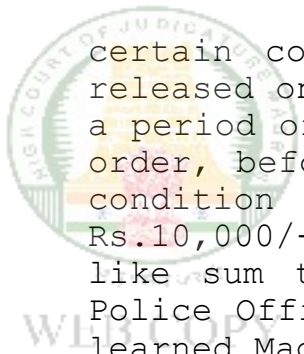
The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offence punishable under Section 174 Cr.P.C. @ Section 306 of IPC, in Crime No.174 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that the deceased was working as Assistant in Primary Co-operative Society in Thangamputhur on Temporary basis. The petitioner/A1 is working as Secretary. A2 is working as Clerk. There was some dispute between A.2 and the petitioner and A.2 has given a complaint against the petitioner. Both A.2 and the petitioner pressurized the deceased to give evidence in their favour. Due to that, he consumed sleeping Tablets on 18.04.2016 at 06.00 a.m. and died in the hospital at 4.30 p.m. On complaint, a case has been registered for the above said offence.

3.The case of the petitioner is that A.2 gave a complaint against the petitioner and the same is pending investigation and he did not pressurize the deceased to give evidence in his favour. The petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and A.2 was already granted anticipatory bail by this Court vide order dated 20.07.2016 made in Crl.O.P(MD)No.12156 of 2016 and prays for anticipatory bail.

4.Heard the learned Government Advocate (Crl.Side).

5.Considering the facts of the case and also considering the fact that the co-accused was already granted anticipatory bail, 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 No.III, Nagercoil, 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 report before the respondent Police daily at 10.00 a.m. for a period of two weeks and thereafter as and when required for interrogation.
- (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/-
04/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, NAGERCOIL.
- 2 THE CHIEF JUDICIAL MAGISTRATE, NAGERCOIL, KANYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
SUSEENDRAM POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.P.NARAYANAKUMAR Advocate SR.No.42244

ORDER

IN

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Date :04/08/2016