



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14031 of 2016

NAZER

... PETITIONER / ACCUSED

Vs

THE STATE
THE INSPECTOR OF POLICE
PALUKAL POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME. NO.331/2012

... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.C.HEROLD SINGH 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 :-

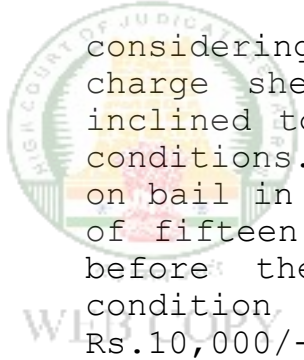
The petitioner, who is arrayed as Accused No.2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 353, 307, 379 and 506(ii) IPC read with Sections 4(1) 4(ii) 4(1)(a), 21(1) of Mines and Minerals Act, 1957, in Crime No.331 of 2012, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 20.12.2012 at about 07.30 a.m. when the police party conducted vehicle check up, they intercepted a lorry bearing Registration No.TN-75-H-4674 passed through Melpalai-Tholadi Road and the driver of the lorry threatened the police persons saying that why the vehicle was stopped and also threatened that unless the vehicle was not released, he will kill the de facto complainant and tried to attack him. On complaint, a 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 has nothing to do with the alleged occurrence. A.1 and A.2 were already enlarged on anticipatory bail by the concerned District Court in the year 2012 itself.

4.The learned Government Advocate (Criminal side) submitted that investigation has been completed and charge sheet has been filed and taken on file in P.R.C.No.25 of 2016 on the file of the learned Judicial Magistrate No.I, Kuzhithurai.

5.Considering the facts and circumstances of the case and also



considering the fact that investigation has been completed and charge sheet has been filed and taken on file, 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.I, Kuzhithurai, 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 said Court daily at 10.30 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/-

09/08/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, KUZHITHURAI
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI DISTRICT
- 3 THE INSPECTOR OF POLICE, PALUKAL POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.C.HEROLD SINGH Advocate SR.No.43066

ORDER

IN

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Date :09/08/2016