



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

Friday, the Twelfth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14574 of 2016

1 MUTHU MARI ... PETITIONER NO.1/ ACCUSED NO.1
2 KALIMUTHU ... PETITIONER NO.2/ ACCUSED NO.2

Vs

STATE OF TAMIL NADU REPRESENTED BY
SUB INSPECTOR OF POLICE
IRUKKANKUDI POLICE STATION
VIRUDHUNAGAR DISTRICT
CR.NO.133 OF 2016 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.SUDALAIMUTHU 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 are arrayed as Accused Nos.1&2, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 429 and 506(i) IPC, in Crime No.133 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that on 15.06.2016, at about 08.00 a.m, the petitioners, who are the nearby landowners of the defacto complainant were killed six Hens of the defacto complainant. When the same was enquired by the defacto complainant, the petitioners abused the defacto complainant using filthy language and threatened him with dire consequences. On complaint, a case has been registered for the above said offences.

3.The case of the petitioner is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Due to some previous enmity, the defacto complainant has given a false complaint against the petitioners.

4.The learned counsel for the petitioners submitted that the petitioners are willing to deposit a sum of Rs.2000/- to the credit of Crime No.133 of 2016 before the learned Judicial Magistrate No.II, Sattur.



5.The learned Government Advocate (Crl. side) submitted that on compliant, a case has been registered and the investigation is pending.

6.Considering the nature of the allegation made against the petitioners, this Court is inclined to enlarge the petitioner on bail 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 No.II, Sattur, on condition that the petitioners shall deposit a sum of Rs.2000/- (Rupees two thousand only) to the credit of Crime No.133 of 2016 before the learned Judicial Magistrate No.II, Sattur, and each of them 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 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]**.

7.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/-
12/08/2016

/ TRUE COPY /

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



PJL
TO

1 THE JUDICIAL MAGISTRATE NO.II, SATTUR,
2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR AT SRIVILLIPUTHUR

3 THE SUB INSPECTOR OF POLICE, IRUKKANKUDI POLICE STATION
VIRUDHUNAGAR DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.N.SUDALAIMUTHU Advocate SR.No.44197

GJM/SS3/SAR-III-19.8.16-3P-6C

ORDER

IN

CRL OP(MD) No.14574 of 2016

Date :12/08/2016