



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.14638 of 2016

WEB COPY

ALEXANDER

... PETITIONER/ACCUSED

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION,
KANYAKUMARI DISTRICT.
CRIME NO.29 OF 2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.TITUS 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, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 153 A (i), (b), 153 A (2) and 188 IPC, in C.C.No.121 of 2016 on the file of the Judicial Magistrate, Padmanapapuram and hence, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner, without any prior permission from the authorities, was conducting prayer with loud noise by using loud speakers, causing disturbance to the neighbours. 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. The case was registered on 19.01.2014 at the instigation of one Selvaraj, who has misappropriated the funds of Aadhi Pentacoste Sadhya Sabha, Malavilai of Tiruvattar. The petitioner has not conducted any prayer without permission. Now investigation has been completed and charge sheet has been filed.

4.The learned counsel for the petitioner submitted that now the petitioner is not conducting any prayer and he is going to vacate the house shortly.

5.The learned Government Advocate (Criminal side) submitted that investigation has been completed and charge sheet has been filed and taken on file in C.C.No.121 of 2016.

6.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 in C.C.No.121 of 2016 and also considering the contention of the learned counsel for the petitioner that now the petitioner is not conducting any prayer, 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, Padmanapuram at Thuckalay, Kanyakumari District, 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 Trial Court for all future hearings regularly.
- (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]**.

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 petitioner is 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.

TO

- 1 THE JUDICIAL MAGISTRATE
PADMANAPAPURAM AT THUCKLAY, KANYAKUMARI DISTRICT.
- 2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
THIRUVATTAR POLICE STATION, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.14638 of 2016

Date :12/08/2016