



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.14668 of 2016

WEB COPY

1 ALEXANDER  
2 PASTOR NESIAN

... PETITIONERS/ACCUSED No.1 & 2

Vs

STATE REP.BY  
THE INSPECTOR OF POLICE  
THIRUVATTAR POLICE STATION,  
KANYAKUMARI DISTRICT  
(CRIME NO.43/2014)

... 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 petitioners, who are arrayed as Accused Nos.1 and 2 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 143, 188, 153(A) and 353 IPC, in Crime No.43 of 2014, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the petitioners, without any prior permission from the authorities, were 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 petitioners is that they are innocent and they have not committed any offence as alleged by the prosecution. The case was registered on 26.01.2014 at the instigation of one Selvaraj, who has misappropriated the funds of Aadhi Pentacoste Sadhya Sabha, Malavilai of Tiruvattar. The petitioners have not conducted any prayer without permission. Now investigation has been completed.

4.The learned counsel for the petitioners submitted that now the petitioners are not conducting any prayer and they are going to vacate the house shortly.

5.The learned Government Advocate (Criminal side) submitted that investigation has been completed and charge sheet is yet to be filed.

6.Considering the facts and circumstances of the case and also considering the fact that investigation has been completed and also considering the contention of the learned counsel for the petitioners that now the petitioners are not conducting any prayer, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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, Padmanapuram at Thuckalay, Kanyakumari District, on condition that each of the petitioners 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 10.00 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.

TO

- 1 THE JUDICIAL MAGISTRATE,  
PADMANAPAPURAM AT THUCKALAY, 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.14668 of 2016

Date :12/08/2016