



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

Thursday, the Twenty Eighth day of January Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.1531 of 2016

SAROJA

... PETITIONER/ SOLE ACCUSED

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE
KAYATHAR POLICE STATION,
TUTICORIN DISTRICT,
CR NO. 24 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S S.BALAJI Advocate

For Respondent : MRS.S.PRABHA,

Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 and 506(i) IPC in Crime No.24 of 2016 on the file of the respondent police, seeks anticipatory bail.

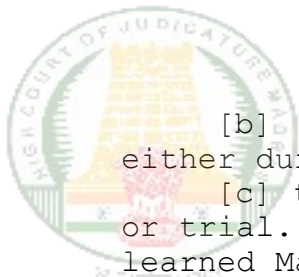
2.The case of the prosecution is that the petitioner threatened the de facto complainant in filthy language and threatened him with dire consequences.

3.It is submitted by the learned counsel for the petitioner that the petitioner is an innocent person and he has not committed any offence and prays for anticipatory bail in favour of the petitioner.

4.The learned Government Advocate (Crl.side) submitted that charge sheet has not been filed in this case.

5.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. 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.II, Kovilpatti, Tututicorin 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent Police Magistrate by 10.30 am for a period of 15 days and thereafter, as and when required.



[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial. [d] 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 compliance report to the office of the learned Additional Public Prosecutor whether the petitioner is complying with the order or not.

sd/-

28/01/2016

/ TRUE COPY /

Sub-Assistant Registrar

TO

1 THE JUDICIAL MAGISTRATE NO.II,
KOVILPATTI, TUTICORIN DISTRICT.

2 -DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
KAYATHAR POLICE STATION,
TUTICORIN DISTRICT.

+1. CC to M/S S.BALAJI Advocate SR.No.4848

akm/29.01.2016/ 2p- 6c/AAL/MPA/SAR-II

ORDER

IN

CRL OP(MD) No.1531 of 2016

Date :28/01/2016