



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

Tuesday, the Eighth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21223 of 2016

E.KALIMUTHU

... PETITIONER/ACCUSED NO.3

Vs

THE STATE REP.BY ,
THE SUB INSPECTOR OF POLICE
SOUTH POLICE STATION,
TUTICORIN,
TUTICORIN DISTRICT,
CRIME NO. 1241 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.V.JEYARANI 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 :-

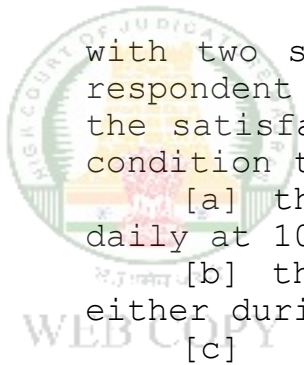
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 341, 387 and 506(ii) of I.P.C., in Crime No.1241 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the de-facto complainant was walking on a Thiruchendur over bridge, the accused demanded some amount to drink and hence, the complaint has been lodged.

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

4. The learned Government Advocate (Crl.side) submitted that no one sustained injury in the alleged occurrence.

5. Considering the facts and circumstances of the case and that no one sustained injury in the alleged occurrence, 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.1, Tuticorin, 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 daily at 10.00 a.m. until further orders.

[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]**.

sd/-

08/11/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.I, TUTICORIN.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN.
- 3 THE SUB INSPECTOR OF POLICE,
SOUTH POLICE STATION, TUTICORIN, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.V.JEYARANI Advocate SR.No.66843

AKV

CSL/PV/SAR-I/14.11.2016: 2P/6C

ORDER

IN

CRL OP(MD) No.21223 of 2016

Date :08/11/2016