



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

Tuesday, the Twenty Second day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22133 of 2016

1 PUSHPANAYAGAM
2 LAYOLIN
3 JOHNI @ YOVAN,
4 ANTHONY ADIMAI
5 THATHEUS
6 DELPHAR
7 AMAL @ AMALRAJ,
8 JOSPEH NIHILAN,

..PETITIONERS/ACCUSED

Nos.4,7,8,10,12,13, 15 & 16

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.
CR.NO.481 OF 2016

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M.P.SENTHIL Advocate

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 452, 294 (b), 324 and 307 IPC and Sections 3 and 4(a) of the Explosive Substances Act, 1908, in Crime No.481 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that due to civil dispute, the petitioners trespassed into the house of the defacto complainant and attacked him with deadly weapons and threatened him with dire consequences.

4.It is the case of the petitioners that they are innocent and they have been falsely implicated in this case. It is his further submission that it is a case in counter.



5. Learned Government Advocate (Crl. Side) submitted that the injured has been discharged from the hospital.

6. Taking note of the facts and circumstances of the case, as the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or 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, Kuzhithurai, subject to the following conditions:

(i) 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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 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/-

22/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO. II, KUZHITHURAI,
KANYAKUMARI DISTRICT.

2 -do-thro' THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.

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

4 THE INSPECTOR OF POLICE, PUTHUKADAI POLICE STATION,
KANYAKUMARI DISTRICT.

+2. CC to M/S.M.P.SENTHIL Advocate SR.No.71507 & 71608

ORDER IN

CRL OP(MD) No.22133 of 2016

Date : 22/11/2016