



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

Thursday, the Twenty Fifth day of February Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP (MD) No.3321 of 2016

1 RAMASAMY
2 PARAMAGURU

... PETITIONER/ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT,
CRIME NO. 38 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.MARIAPPAN Advocate

For Respondent : MR.A.P.BALASUBRAMANI, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

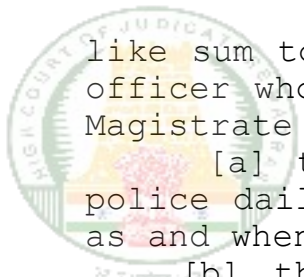
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 506(i) I.P.C. in Crime No.38 of 2016 on the file of the respondent police, seek anticipatory bail.

2. Heard the learned Counsel for the petitioners and the learned Government Advocate(Crl.Side).

3.The learned Counsel for the petitioners seeks permission of this Court to withdraw this petition insofar as the first petitioner is concerned and he has also made an endorsement to that effect.

4. Accordingly, this Criminal Original Petition is dismissed as withdrawn insofar as the first petitioner is concerned.

5. As regards the second petitioner is concerned, taking into consideration the fact that it is a case and counter and the counter case is in Cr.No.37 of 2016, this Court is inclined to grant anticipatory bail to the second petitioner. Accordingly, the second 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, Sivagiri, Tirunelveli District on condition that the second 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 second petitioner shall appear before the respondent police daily at 06.30 p.m. for a period of two weeks and thereafter as and when required for interrogation;

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

[c] the second petitioner shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Judicial Magistrate/Trial Court is entitled to take appropriate action against the second petitioner in accordance with law as if the conditions have been imposed and the second petitioner released on bail by the learned Judicial 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]**.

(e) The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl.Side) whether the second petitioner is complying with the order or not.

sd/-
25/02/2016

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE ,SIVAGIRI, TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE,SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S N.MARIAPPAN Advocate SR.No.11450

CN/SKS-RR/AR-I/01.03.2016/2P/6C

ORDER
IN
CRL OP(MD) No.3321 of 2016
Date :25/02/2016