



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

Wednesday, the Thirtieth day of March Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.5430 of 2016

(*) A.MANIKANDAN

... PETITIONER/ACCUSED

Vs

STATE REP BY THE INSPECTOR OF POLICE
KOTTAR POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT. CR. NO.113/2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S N.DILIP KUMAR 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 :-

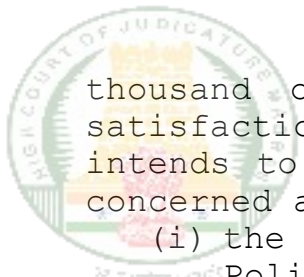
The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offence punishable under Section 379 I.P.C., in Crime No.113 of 2016, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.N.Dilip Kumar, learned counsel appearing for the petitioner and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. The learned Government Advocate (Criminal Side) submitted that there is no previous case as against the petitioner, except the present case.

4. It is seen that on the complaint lodged by the Executive Officer, H.R. & C.E.Department, Nagercoil, that the C.C.T.V.Camera fixed in Vettaliamman Kovil, Nagercoil, is missing, the respondent Police have registered the present case showing the accused "Not Known". Further, it is seen that the petitioner is having a shop in the said Temple and selling flowers.

5. Taking into consideration the above facts, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioner. Accordingly, he 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, Nagercoil, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent Police daily at 10.30 a.m., until further orders.

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioner 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 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 a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-
30/03/2016

**(*)Amended as per orders of this
Hon'ble High Court made in
Crl.MP(MD)No.3760/2016 vide
order dated 01.06.2016 by VMVJ.**

/ TRUE COPY /

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

TO

To be substituted the order already despatched on 04.04.2016.

- 1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL
- 2 THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE, KOTTAR POLICE STATION, NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S N.DILIP KUMAR Advocate SR.No.27275

ORDER IN
CRL OP(MD) No.5430 of 2016
Date : 30/03/2016

AA/GSV-PM/SAR-I/04.04.2016/2p-6c

PA/AAL-MPA/SAR II/06.06.2016/2P/6C