



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

Wednesday, the Sixth day of April Two Thousand Sixteen
PRESENT

The Hon`ble Mr Justice P.N.PRAKASH
CRL OP(MD) No.5447 of 2016

J.SAJJAD ALI

... PETITIONERS/ACCUSED No.4

Vs

STATE REP BY THE INSPECTOR OF POLICE
KOTTAR POLICE STATION,
KANYAKUMARI DISTRICT,
CR NO. 1017 OF 2012.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S T.LAJAPATHI ROY 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 :-

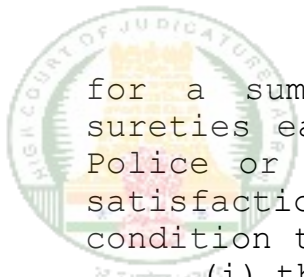
The petitioner, who apprehended arrest at the hands of the respondent Police for the alleged offences punishable under Sections 147, 148, 294(b), 341, 302, 153(A), 120(b) I.P.C., in Crime No.1017 of 2012, on the file of the respondent Police, seeks anticipatory bail.

2. Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner / fourth accused and Mr.A.P.Balasubramani, learned Government Advocate (Criminal Side) appearing for the State.

3. It is seen that initially the case, in Crime No.1017 of 2012, was registered under Sections 147, 148, 294(b), 341, 324 and 307 I.P.C., and thereafter it was altered into one Section 302 I.P.C.

4. The learned Government Advocate (Criminal Side) submitted that accused 1, 2, 3, 5 and 8 were arrested and enlarged on bail by the learned Judicial Magistrate No.II, Nagercoil and that anticipatory bail has been granted to the accused 7, 9 and 10 by this Court. Furthermore, on completion of investigation, in Crime No.1017 of 2012, the respondent Police filed a final report, before the learned Judicial Magistrate No.II, Nagercoil and the same is yet to be taken on file.

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/fourth accused. 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 / fourth accused 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 / fourth accused shall report before the learned Judicial Magistrate No.II, Nagercoil, daily at 10.30 a.m., until further orders.
- (ii) the petitioner / fourth accused shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner / fourth accused 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 / fourth accused in accordance with law as if the conditions have been imposed and the petitioner / fourth accused 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/-
06/04/2016

/ TRUE COPY /

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

TO

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

+1. CC to M/S T.LAJAPATHI ROY Advocate SR.No.25071

ORDER
IN
CRL OP(MD) No.5447 of 2016
Date : 06/04/2016