



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

Thursday, the Fourth day of May Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice N.AUTHINATHAN

CRL OP (MD) No.5670 of 2017

MANIKANDAN

... PETITIONER/ ACCUSED NO.2

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

THUCKALAY POLICE STATION,

KANYAKUMARI DISTRICT

IN CRIME NO. 771 OF 2016

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.S.RAMAKRISHNAN Advocate

For Respondent : M/S K.ANBARASAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

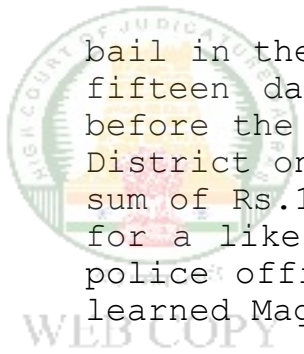
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 324, 307 and 506(ii) of IPC in Crime No.771 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. According to the prosecution, the occurrence had occurred on 04.09.2016 and the victim sustained injury and totally 3 persons have been arrayed as an accused and the petitioner is A2.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) would submit that A1 has already been granted bail by the learned Sessions Judge, Nagercoil in Crl.M.P.No.1304 of 2017 on 13.04.2017 and the investigation is pending.

5. Having regard to the fact that antecedent of the petitioner is not reported to be bad and that the A1 has already been enlarged on bail, the custodial interrogation of the petitioner is not necessary. Hence, 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, Padmanabhapuram, Kanyakumari District 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 am for a period of two weeks and thereafter, as and when required for interrogation.

[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/-

04/05/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, PADMANABHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI AT NAGERCOIL.
3. THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.RAMAKRISHNAN Advocate SR.No.21861

ORDER

IN

CRL OP(MD) No.5670 of 2017

Date :04/05/2017

MS/MSA/SAR-4/05.05.2017/2P.6C