



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

Monday, the Second day of January Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.23968 of 2016

1 MURUGAN @ MURUGESAN
2 GANGATHARAN @ ESWARAPILLAI ... PETITIONERS/ACCUSED NO.3 & 7

Vs

STATE REP.BY ,
THE INSPECTOR OF POLICE
ERANIAL POLICE STATION,
KANYAKUMARI DISTRICT,
CRIME NO. 126 OF 2015. ... RESPONDENT/OMPLAINANT

For Petitioner : M/S.S.PALANIVELAYUTHAM Advocate

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

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

ORDER : The Court Made the following order :-

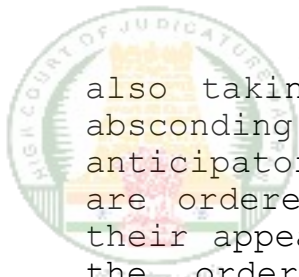
The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 294 (b), 323, 435, 427 and 506(ii) IPC and Section 4 of Tamil Nadu Prohibition Harassment and Women Act, 2002 in Crime No.126 of 2015 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 17.02.2015 the petitioners along with other accused trespassed into the resident of the de facto complainant and set fire to his house and also threatened him with dire consequences.

3.After conducting investigation, a charge sheet has been filed and the same was taken on file in P.R.C.No.63 of 2015. The petitioners filed anticipatory bail petition in Crl.M.P.No.4081 of 2016 before the District and Sessions Court, Kanyakumari District at Nagercoil and the same was dismissed.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.side) submitted that totally there are 3 named and 20 unnamed accused in this case and the petitioners name were not found in the FIR. He further submitted that in the charge sheet the petitioners were arrayed as accused and they are shown as absconding accused. He also submitted that A1 and A4 have already been enlarged on bail.



5.Considering the facts and circumstances of the case and also taking note of the fact that the petitioners are shown as absconding accused in the charge sheet, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Eraniel, on condition that 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 learned Magistrate concerned and on further condition that:

[a]the petitioners shall report before the concerned Court daily at 10.30 a.m. until further orders.

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

[c]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/-
02/01/2017

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE, ERANIAL, KANYAKUMARI DISTRICT.
2 THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.

3 THE INSPECTOR OF POLICE
ERANIAL POLICE STATION, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.S.PALANIVELAYUTHAM Advocate SR.No.170

ORDER
IN
CRL OP(MD) No.23968 of 2016
Date :02/01/2017