



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

Wednesday, the Twentieth day of July Two Thousand Sixteen

PRESENT

**The Hon`ble Ms.Justice V.M.VELUMANI**

CRL OP(MD) No.12218 of 2016

MOHAMMED ALTHAAP ... PETITIONER /SOLE ACCUSED  
Vs

THE INSPECTOR OF POLICE,  
PUTHUKKADAI POLICE STATION,  
KANYAKUMARI DISTRICT.  
CRIME NO.304/2016 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S S.SIVAKUMAR Advocate

For Respondent : M/S.P.KANNITHEVAN Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

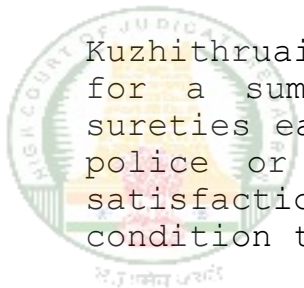
The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 323 and 506(i) of IPC in Crime No.304 of 2016, on the file of the respondent Police seeks anticipatory bail.

2. The case of the prosecution is that due to previous motive, the petitioner attacked the defacto-complainant with hands and abused him in filthy language and also threatened with dire consequences. On complaint, a case has been registered against the petitioners.

3. The learned counsel for the petitioner submitted 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) submitted that the injured has been discharged from the hospital and the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II,



Kuzhithurai 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 until further orders.

[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 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].

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 condition or not.

sd/-

20/07/2016

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, KUZHITHURAI.
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANNIYAKUMARI DISTRICT.
- 3 THE INSPECTOR OF POLICE, PUTHUKKADAI POLICE STATION,  
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.SIVAKUMAR Advocate SR.No.38170

ORDER

IN

CRL OP(MD) No.12218 of 2016

Date :20/07/2016

SDR/GSV-PM/SAR I/26.07.2016/2P/6C