



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.12219 of 2016

WEB COPY

1 SAHUL HAMEED @ SAMATHU
2 MYDEEN
3 OLI @ OLIYULLAH
4 SHEIK MYDEEN
5 BASHIR
6 UMAR MUKDHA
7 ISMAIL
8 APPADHULLAH
9 HABIBULLAH

... PETITIONERS/ACCUSED NOS.1,2,6,8,9,10,11,12 & 13

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION,
IN CR.NO.189 OF 2016,
TIRUNELVELI DISTRICT.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S M.SANKAR Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos.1,2,6,8,9,10,11,12 and 13, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 307 IPC and Section 3(1) of the Prevention of Damage to Public Property Act, 1984, in Crime No.189 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners. A.4 and A.5 were already granted anticipatory bail by this Court vide order dated 05.07.2016 made in Crl.O.P(MD)No.10513 of 2016.

3.It is submitted by the learned Government Advocate (Crl.Side) that the injured person had already been discharged from the hospital.

4.Considering the facts and circumstances of the case and also considering the fact that the injured person had already been discharged from the hospital and the co-accused were already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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, Sivagiri, Tirunelveli District on condition that each of 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners 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 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]**.

5.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions 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
SIVAGIRI, TIRUNELVELI DISTRICT.

2 DO-THRO' THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
PULIANGUDI POLICE STATION, TIRUNELVELI DISTRICT.

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

+1. CC to M/S M.SANKAR Advocate SR.No.38589

ORDER

IN

CRL OP(MD) No.12219 of 2016

Date : 20/07/2016