



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

Tuesday, the Fifteenth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21228 of 2016

1 SYED IQUBAL
2 SHAKUL HAMEED

... PETITIONERS/ACCUSED RANK No.1&2

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE
PUDUKOTTAI POLICE STATION,
CR NO. 393 OF 2016.

... RESPONDENT/COMPLAINANT

FOR PETITIONERS : M/S R.PANDI MAHARAJA, ADVOCATE
FOR RESPONDENT : Mrs.S.PRABHA, GOVERNMENT ADVOCATE (CRL. SIDE)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 506 (ii) IPC and Section 4 of TNPPDL Act, in Crime No.393 of 2016 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that the defacto complainant is the tenant under the petitioners and there was a dispute between them regarding tenancy. With regard to the same, the petitioner along with other accused ransacked the defacto complainant's shop and thereby caused damage to the articles of the defacto complainant.

4.It is the case of the petitioners that they are innocent and they have been falsely implicated in this case.

5.Learned Government Advocate (Crl. Side) submitted that the investigation is pending.

6.Taking note of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Pudukottai, subject to the following conditions:



(i) 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 the police officer who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) each of the petitioners shall deposit Rs.10,000/- (Rupees Ten Thousand only) in to the credit of Crime No.393 of 2016;

(iii) the petitioners shall report before the Trichy Cantonment Police Station daily at 10.30 a.m. until further orders and also as and when required by the respondent police;

(iv) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) the petitioners shall not abscond either during investigation or trial;

(vi) on breach of any of the aforesaid conditions, the 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 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/-

15/11/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE NO.I, PUDUKOTTAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PUDUKOTTAI POLICE STATION,
PUDUKOTTAI.
4. THE OFFICER-IN-CHARGE,
TRICHY CANTONMENT POLICE STATION,
TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER IN

CRL OP(MD) No.21228 of 2016

Date :15/11/2016