



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

Wednesday, the Ninth day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.21319 of 2016

1 ABU BUKKER SIDHIQ
2 BILAL
3 MANSOOR

... PETITIONERS/ACCUSED RANK NOT KNOWN

Vs

THE STATE REP.BY ,
THE INSPECTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT
CRIME NO. 877 OF 2016 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.D.VENAKTESH Advocate

For Respondent : MRS.S.PRABHA, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

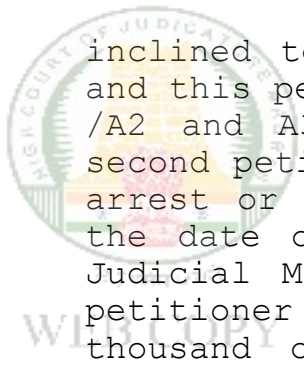
The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 341, 294(b), 323 and 506(i) of I.P.C., r/w. Section 34 of I.P.C., in Crime No.877 of 2016 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioners along with the other accused abused the de-facto complainant and his friends in filthy language and also threatened them with dire consequences.

3. It is submitted by the learned counsel for the petitioners that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and prays for anticipatory bail in favour of the petitioners. It is further submitted that only on the basis of the confession statement given by A1, the petitioners have been implicated in this case.

4. The learned Government Advocate (Crl.side) submitted that the first petitioner/A2 is having three previous cases and the third petitioner/A3 is having two previous cases and the second petitioner/A5 is not having any previous case.

<https://hcservices.ecourts.gov.in/hcservices/>
5. Considering the facts and circumstances of the case and that there is no previous case against the second petitioner/A5, I am



inclined to grant anticipatory bail to the second petitioner only and this petition is dismissed in respect of the petitioners 1 and 3 /A2 and A3 as they are having previous cases. Accordingly, the second 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, Padmanabapuram, on condition that the second 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 second petitioner/A5 shall report before the respondent Police daily at 10.00 a.m. until further orders.

[b] the second petitioner/A5 shall not tamper with evidence or witness either during investigation or trial.

[c] the second petitioner/A5 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/-

09/11/2016

/ TRUE COPY /

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

TO

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

+1. CC to M/S.D.VENAKTESH Advocate SR.No.68063

AKV

CSL/SS-2/SAR-I/17.11.2016: 2P/6C

ORDER

IN

CRL OP(MD) No.21319 of 2016

Date :09/11/2016