



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

Thursday, the Nineteenth day of May Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice B.GOKULDAS

CRL OP(MD) Nos.8073 and 8181 of 2016

1 THOUFFIC

2 A.ANSAR ... PETITIONERS/ACCUSED (RANK NOT KNOWN)

IMARAN @ MOHAMED IMRAN @

MALLIPATTINAM IMRAN, ... PETITIONER/ ACCUSED NO.9

Vs

STATE REP.THROUGH

THE INSPECTOR OF POLICE

COLACHEL POLICE STATION,

KANYAKUMARI DISTRICT.

(CRIME NO. 382 OF 2015) ... RESPONDENT / DEFACTO COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.P.M.VISHNUVARTHANAN Advocate
IN CRL OP(MD) NO.8073/2016

: M/S.A.ABDULKABUR Advocate
IN CRL OP(MD)NO.8183/2016

For Respondent : MRS.S.PRABHA Govt. Advocate (Crl. Side)
IN BOTH THE PETITIONS

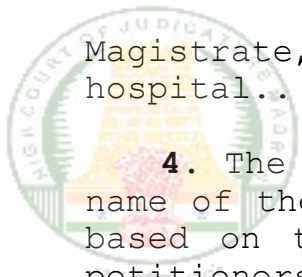
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, apprehending arrest at the hands of the respondent Police for the alleged offences punishable under Sections 307 I.P.C., @ 147, 148, 120(b), 153(A) and 307 I.P.C., in Crime No.382 of 2015, on the file of the respondent Police, seek anticipatory bail.

2. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the State.

3. It is represented by the learned Government Advocate (Criminal Side) that the case has been charge sheeted and taken on file in P.R.C.No.3 of 2016, on the file of the learned Judicial



Magistrate, Eraniel and the injured has been discharged from the hospital..

4. The learned counsel for the petitioners would submit that the name of the petitioners are not found place in the F.I.R., and only based on the confession statement given by the co-accused, these petitioners have been implicated in this case.

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5. Taking into consideration the above facts and the nature of allegations made against the petitioners, this Court is of the view that this is a fit case to grant anticipatory bail to them. 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, Eraniel, 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 concerned Court 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]**.

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 petitioners are complying with the conditions or not.

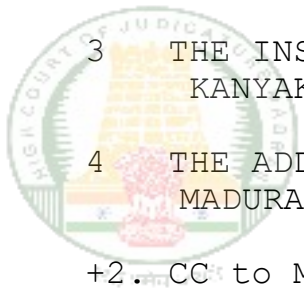
sd/-
19/05/2016

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

ARUL/KRK
TO

1 THE JUDICIAL MAGISTRATE, ERANIEL



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

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

+2. CC to M/S.S.M.A.JINNAH Advocate SR.No.26504, 26647

SDR/NGM/DP/SAR-III-20.5.16-3P-7C

ORDER

IN

CRL OP (MD) NoS.8073 &
8181 of 2016

Date :19/05/2016