



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

Tuesday, the Twenty Second day of November Two Thousand Sixteen

PRESENT

WEB COPY

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.22132 of 2016

1 AKBAR ALI
2 NAGOOR AMMAL

... PETITIONERS/ACCUSED 2 & 3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
ACHANPUTHUR POLICE STATION,
TIRUNELVELI.
CRIME No.215 of 2016

... RESPONDENT/COMPLAINANT

FOR PETITIONERS : M/S.A.MOHAMED YUSUF, 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 :-

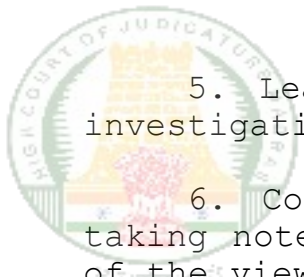
Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 447, 427, 379 (NP) and 506(ii) IPC in Crime No.215 of 2016 on the file of the respondent police, the petitioners/A2 & A3 have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that due to family dispute, the petitioners are alleged to have scolded the defacto complainant in filthy language and also threatened him with dire consequences, which resulted in registration of the case.

<https://hcservices.ecourts.gov.in/hcservices/>

4. Learned counsel for the petitioners would submit that the petitioners have been falsely implicated in this case.



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

6. Considering the facts and circumstances of the case and taking note of the fact that it is a family dispute, this Court is of the view that custodial interrogation of these petitioners is not necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to the petitioners.**

7. 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 **Judicial Magistrate, Senkottai, subject to the following conditions:**

(i) each of 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 Magistrate concerned;

(ii) the 1st petitioner shall report before the respondent police daily at 10.30 a.m. for two weeks and thereafter as and when required and the 2nd petitioner shall report before the respondent police as and when required for interrogation;

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

(iv) the petitioners shall not abscond either during investigation or trial.

(v) on breach of any of the aforesaid conditions, the 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 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/-
22/11/2016

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
SENKOTTAI, TIRUNELVELI DISTRICT.

2. THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
ACHANPUTHUR POLICE STATION,
TIRUNELVELI.

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

+1. CC to M/S.A.MOHAMED YUSUF Advocate SR.No. 72302

ORDER

IN

CRL OP(MD) No.22132 of 2016

Date :22/11/2016

AR

TE/MPA/SAR-I : 29/11/2016 : 3P/6C