



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

Thursday, the Twenty Eighth day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.V.MURALIDARAN

CRL OP(MD) No.13277 of 2017

M.IQBAL@MUNIYASAMY

... PETITIONER / ACCUSED-2

Vs

STATE REPRESENTED BY  
THE INSPECTOR OF POLICE  
MUTHAIAHPURAM POLICE STATION, MUTHAIAHPURAM,  
TUTICORIN DISTRICT.  
CR. NO.288/2017

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.P.BANUPRASATH Advocate

For Respondent : Mr.K.Anbarasan, Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioner/accused No.2, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 147, 148, 294(b), 307 and 506(ii) IPC in Crime No.288 of 2017 on the file of the respondent Police, seeks anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Government Advocate(crl.side) appearing for the respondent Police.

3.The case of the prosecution is that the defacto complainant namely Sivachandran lodged a complaint before the respondent police stating that on 08.08.2017 at about 08.00 p.m., when he was proceeding in his two wheeler in Rajiv Nagar 7<sup>th</sup> Street after dropping his friend Sridhar at home, one Indiran and the petitioner herein were walking and the defacto complainant made horn and while so, both Indiran and the petitioner herein abused him in filthy language and thereafter, the defacto complainant returned home and came along with his friends, namely Mariyendran and Michael Raj to Rajiv Gandhi Nagar 7<sup>th</sup> Street and questioned Indiran and while so, quarrel arose between them and again the defacto complainant and his friends returned defacto complainant's home and while they were talking in front of his house, once again Indiran, and 8 others including the petitioner herein came with Aruval and Indiran and beat the defacto complainant and his friends with Aruval on their head, stomach and hands and thereafter, they ran away from the scene of occurrence.



4.The learned counsel for the petitioner submitted that the petitioner is no way connected with the alleged offence and he is innocent and he has been falsely implicated in this case.

5.The learned Government Advocate(crl.side) submitted that the injured had already been discharged from the hospital and co-accused were

already granted anticipatory bail by this Court in CrI.O.P.(MD) No.11280 of 2017, dated 13.09.2017.

6.Considering the facts and circumstances of the case and also considering the fact the injured had been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Tuticorin, on condition that 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 learned Magistrate concerned and on further condition that:

[a]the petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders.

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

[c]the petitioner 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/-

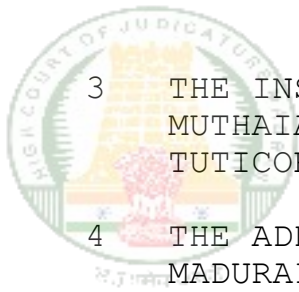
28/09/2017

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

TO

1 THE JUDICIAL MAGISTRATE NO.II, TUTICORIN



3 THE INSPECTOR OF POLICE  
MUTHAIAHPURAM POLICE STATION, MUTHAIAHPURAM,  
TUTICORIN DISTRICT.

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

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+1. CC to M/S.P.BANUPRASATH Advocate SR.No.31877

ORDER

IN

CRL OP(MD) No.13277 of 2017

Date :28/09/2017

SM:RR-BS:SAR 2:3.10.2017:3P/6C