



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

Friday, the Seventh day of July Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.8606 of 2017

1 AMSATH IPRAHIM @AMSATH IBRAHIM
2 SHYED @ SYED ABUDHAHIR
3 SARUKHAN@SYEDSULTHAN ALAUDHEEN
4 SITHICK @ ABUBAKKAR SIDDIK
5 ABUBAKKAR
6 ABBAS
7 USAEEN @ MOHAMMED HUSSIAN ... PETITIONERS / ACCUSED No.1 to 7

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALLANGANALLUR POLICE STATION, MADURAI DISTRICT.
IN CRIME NO. 357/2017 ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.A.MOHAMED HANEEF Advocate

For Respondent : Mr.A.Ramar, Additional Public Prosecutor

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 offence punishable under Sections 147, 148, 294(b), 324 and 506(ii) of IPC in Crime No.357 of 2017 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that while constructing septic tank, a dispute arose between the de fact complainant and the petitioners and due to which, the petitioners along with other accused have attacked the de facto complainant and thereby caused simple injuries.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He also submitted that the 2nd petitioner is studying final year Engineering and 3rd petitioner is studying final year B.com and due to some previous enmity between the first petitioner and the defacto-complainant, the present case was falsely registered against the petitioners. He further submitted that it is a case of case in counter and the 1st petitioner also gave a



complainant and based on which, a case in Crime No.358 of 2017 has also been filed against the de facto complainant.

4.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 8 accused and the petitioners are arrayed as A1 to A7 in this case. He also submitted that injured was discharged from the hospital and investigation is still pending.

5.Considering the facts and circumstances of the case and also taking note of the fact that the injured was discharged from the hospital and no specific overt act is attributed against these petitioners, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Vadipatti, on condition that 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 learned Magistrate concerned and on further condition that:

[a]the petitioners shall report before the respondent Police as and when required.

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

[c]the petitioners 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 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).

sd/-
07/07/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE, VADIPATTI

2 -DO-THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT

3 THE INSPECTOR OF POLICE

ALLANGANALLUR POLICE STATION, MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR

MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to M/S.A.MOHAMED HANEEF Advocate SR.No.26100

SM:CM-MSA:SAR 2:12.7.2017:3P/6C

ORDER

IN

CRL OP(MD) No.8606 of 2017

Date :07/07/2017