

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Wednesday, the Thirtieth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N.SATHISH KUMAR
CRIMINAL ORIGINAL PETITION No.14078 of 2018

1 ALI @ HAJA ALI [PETITIONERS / ACCUSED]
2 S.SHAHUL @ SHAHUL HAMED
3 YASAR @ YASAR ARAFAT

Vs

STATE REP. BY, [RESPONDENT]
INSPECTOR OF POLICE,
NO.3 MUTHAIYALPETTAI POLICE STATION,
CHENNAI.
CR. NO. 297 OF 2018.

For Petitioner : M/S.M.PRAKASH Advocate

For Respondent : M/S.M.PRABHAVATHI, 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 alleged offences punishable u/s.147, 294 [b], 323, 506[i] of IPC in Crime No.297/2018, seek anticipatory bail.

2. Heard both sides.

3. The learned Additional Public Prosecutor further submitted that the injured has been discharged from the hospital and that there is no previous case against the petitioners.

4. Taking into consideration the nature of allegations against the petitioners in the FIR and the fact that the injured has been discharged from the hospital, this Court is of the view that this is a fit case to grant anticipatory bail to the petitioners.

5. Accordingly, the petitioners 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 XVI metropolitan Magistrate, George Town, Chennai, on condition that each of the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 respondent police daily at 6.30 p.m for a period of two weeks and thereafter, as and when required for interrogation.

[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]**.

[e] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
30/05/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XVI, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NO.3 MUTHAIYALPETTAI POLICE STATION,
CHENNAI.

+1CC to M/S.M.PRAKASH Advocate on payment of necessary
charges SR NO.9589

CRL OP.14078/2018

Date :30/05/2018

MK:31/05/2018