

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of July Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.17830 of 2018

1 SYED ABDUL KATHER [PETITIONER / ACCUSED]
2 MOHAMED GADABI
3 SEENI MOHAMED @ MOHAMED SEENI
4 KANI @ MOHAMED NAGOOR KANI
5 MOHAMED ZIA

Vs

1THE STATE [RESPONDENT]
REP. BY THE INSPECTOR OF POLICE,
R2-KODAMBAKKAM POLICE STATION,
CHENNAI-600 024.
CR. NO. 184 OF 2018.

For Petitioner : M/S.S.MOHAN Advocate

For Respondent : MR.C.IYYAPPARAJ, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.184 of 2018 registered by the respondent for the alleged offence punishable under Sections 147, 323, 457, 427 and 506(i) of IPC.

2. The case of the prosecution as per the de-facto complainant one Syed Sadiq is that he is running a travel agency and that the first petitioner booked tickets for travelling abroad for departure on 15.03.2018. While so, they have cancelled the tickets on the previous day and asked for return of money, due to which, there was a quarrel between the petitioners and the defacto complainant and the petitioners trespassed into the office of the defacto complainant and assaulted him.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would submit that the first petitioner booked tickets for travelling abroad and that the defacto complainant, who is a travel agent, cheated the first petitioner and when this was questioned by the petitioners, a false complaint has been given against them. He would submit that the alleged occurrence had taken place on 15.03.2018, whereas, the complaint has been given much belatedly on 23.03.2018.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that due to a quarrel, the petitioners abused the defacto complainant and assaulted him. He would submit that the injured has been discharged from the hospital and that there is no previous case against the petitioners.

5. Taking into consideration the facts of the case and the submissions made by the counsels and that there is no previous case against the petitioners, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. 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 XVII Metropolitan Magistrate, Saidapet, Chennai, on condition that each of the petitioner 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30.a.m until further orders.

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**.

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

-sd/-

19/07/2018

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 XVII METROPOLITAN
MAGISTRATE, SAIDAPET, CHENNAI.

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

3 THE INSPECTOR OF POLICE,
R2-KODAMBAKKAM POLICE STATION,
CHENNAI-600 024.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S.S.MOHAN Advocate on payment of necessary
charges in SR.NO. 13437

CRL OP.17830/2018

Date :19/07/2018

MLT-26/07/2018