



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

Tuesday, the Ninth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.350 of 2018

MOHAMMED FARETH

... PETITIONER / ACCUSED No.2

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.101 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.M.S.JEYAKARTHIK Advocate

For Respondent : M/S S.BHARATHI, Govt. Advocate (Cr1. Side)

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

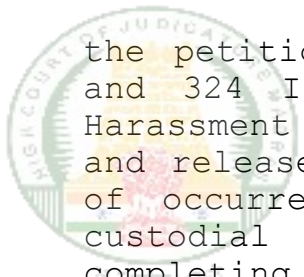
ORDER : The Court Made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323 and 324 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.101 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioner along with other accused abused the defacto complainant and also attacked her with deadly weapons. Hence, the present complaint is registered against the petitioner.

3.The learned counsel appearing for the petitioner submitted that the petitioner did not commit any offence as alleged by the prosecution and it is a case of case in counter and pleads for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Criminal Side) submitted that the injured persons had already been discharged from the hospital and the first accused has already been arrested and released on bail by the learned Principal Sessions Judge, Ramanathapuram. She further submitted that the investigation is still pending.



the petitioner for the alleged offence under Sections 294(b), 323 and 324 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act. The first accused in this case was already arrested and released on bail. The person, who sustained injury at the time of occurrence, was discharged from the hospital. Accordingly, custodial interrogation of the petitioner is not necessary for completing the investigation.

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6. Taking note of all the abovesaid aspects into consideration and having regard to the nature of offence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Mudhukulathur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of three weeks and thereafter, as and when required for interrogation;

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

(iv) the petitioner shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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/-
09/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
MUDHUKULATHUR, RAMANATHAPURAM

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM

3 THE INSPECTOR OF POLICE,
SIKKAL POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to MR.M.S.JEYAKARTHIK Advocate SR.No.388

JAM/11/01/2018/RR/ SAR 3 / 3P-6C

ORDER

IN

CRL OP (MD) No.350 of 2018

Date :09/01/2018