



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

Thursday, the Fifteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3583 of 2018

1 SAHUL HAMEED
2 PUROSHKHAN
3 SHEIK ABDUL KADHAR
4 ABDUL KADHAR

... PETITIONERS/ACCUSED No.1 to 4

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
PALLATHUR POLICE STATION,
SIVAGANGAI DISTRICT.
IN CRIME NO.41/2018

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.PRABHU, Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

For Intervenor : M/S.S.SUKUMAR for M/S.K.ELILSELVI, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 324, 342 and 506(ii) IPC, in Crime No.41 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioners are said to have assaulted the defacto complainant by using wooden log and also threatened him with dire consequences. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.



4. The learned counsel appearing for the intervenor submitted that if the anticipatory bail is granted in favour of the petitioners there may be a chance for tampering the witnesses and the evidences.

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5. The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital and the investigation is still pending.

6. The submissions made by the learned counsel appearing on either side are considered. It is alleged that on 02.03.2018, at about 2.00 p.m., the first petitioner herein abused the defacto complainant and assaulted him by using the plastic chair, the third petitioner herein assaulted the defacto complainant by using iron rod, the other two petitioners are abused him in filthy language and also made life threat to him. As of now, the injured was discharged from the hospital after taking treatment and in the above said offences, except 506(ii) of IPC all other offences are bailable in nature. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, this Court came to the conclusion that, the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

7. 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 Judicial Magistrate, Karaikudi, on condition that each of the petitioners 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 petitioners shall stay at Salem and report before the Inspector of Police, Town Police Station, Salem, daily 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

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sd/-
15/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3 THE INSPECTOR OF POLICE,
PALLATHUR POLICE STATION, SIVAGANGAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
TOWN POLICE STATION, SALEM
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.PRABHU Advocate SR.No.4155

ORDER
IN
CRL OP(MD) No.3583 of 2018
Date :15/03/2018

PK/RR-CSL/SAR-4/20.03.2018 : 3P/7C