



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

Wednesday, the Fourteenth day of March Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3963 of 2018

1 S.M. AKBARBATHUSA

2 A. SHEIKHAYATH

... PETITIONERS / ACCUSED NO 2 and 3

Vs

THE STATE REP. BY
THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
IN CR.NO. 58/2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.N.MOHIDEEN BASHA, Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

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

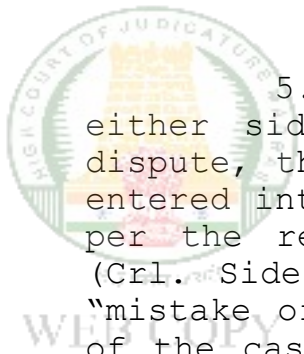
ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.2 and 3, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 427, 447, 294(b) and 506(ii) IPC, in Crime No.58 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to property dispute, the petitioners and other accused are said to have abused the defacto complainant in filthy language and also criminally intimidated him. Thus, on complaint, a case has been registered against the petitioner.

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

4.The learned Government Advocate (Criminal Side) would submit that the this petition is going to be closed as a mistake of fact.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, due to the property dispute, the petitioners and other accused in this case, unlawfully entered into the scene of occurrence and committed the offence. As per the representation made by the learned Government Advocate (Crl. Side), this case is going to be closed for the reason of "mistake of fact". Considering the above facts and circumstances of the case this Court is inclined to grant anticipatory bail to the petitioners.

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 Judicial Magistrate No.V, Thirunelveli, 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 appear before the respondent Police daily 10.00 a.m. for a period of two weeks.
- (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].

sd/-
14/03/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.V,
THIRUNELVELI DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
THIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.N.MOHIDEEN BASHA Advocate SR.No.4091.

ORDER

IN

CRL OP (MD) No.3963 of 2018

Date :14/03/2018

SDS/PN/SAR.2/20.03.2018/3P/6C