



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

Wednesday, the Seventeenth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.431 of 2018

1 KASIM @ MOHAMED KASIM
2 IQBAL
3 R.NEHRU

... PETITIONERS/ ACCUSED NOS.1 TO 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
DEVAKOTTAI TOWN POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.5/2018)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.S.M.SANJAY, Advocate
For Respondent : M/S.A.ROBINSON, Govt. Advocate (Cr1. Side)

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

ORDER : The Court Made the following order :-

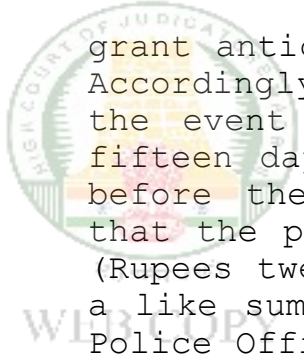
The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 and 506(ii) of IPC, in Crime No.5 of 2018, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the on 05.01.2018, due to previous enmity, the petitioners abusing the defacto complainant using filthy language and assaulted him with hands. Hence, the case has been registered for the above said offences.

3. The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the petitioners have been falsely implicated in this case and prays for anticipatory bail.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that part of the investigation is completed. He further submitted that the investigation is still pending.

5. Considering the factual aspects of the case and the submission made by the learned Government Advocate (Criminal side) and also considering the fact that except Section 506(ii) of IPC, all other offences are bailable offence, this Court is inclined to



grant anticipatory bail to the petitioners with certain conditions. 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 on which the order copy is made ready, before the learned Judicial Magistrate, Devakottai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, 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 report before the investigation officer, daily at 10.00 a.m., for a period of three weeks and thereafter as and when required;

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;

(iv) the petitioners shall not commit any offence while on bail;

(v) 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 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/-
17/01/2018

/ TRUE COPY /

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

TO

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

+1. CC to M/S.S.M.SANJAY Advocate SR.No.837

ORDER IN
CRL OP(MD) No.431 of 2018
Date :17/01/2018