



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.4421 of 2018

1 ABDULLAH
2 YUSUF AUTO @ MOHAMMED YOUSUF
3 KASIM @ MOHAIDEEN ABDUL KADER
4 ELECTRICIAN JAFFER @ JAFFER
5 HYDER ALI ... PETITIONERS / ACCUSED Nos.1 to 5

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI.

IN CR.NO. 67/2018

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.A.S.ALAUDEEN 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.1 to 5, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 352 and 506(ii) IPC, in Crime No.67 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners are said to have abused the defacto complainant in filthy language 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 Government Advocate (Criminal Side) would submit that no one has sustained injury and this is case of case in counter and the investigation is still pending.



5. The submissions made by the learned counsel appearing on either side are considered. It is alleged, during the time of occurrence, due to the wordy quarrel, the petitioners abused the *defacto* complainant in filthy language and thereby, no one has sustained injury. Further, this is a case of case in counter. Considering the facts and circumstances of the case, 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.

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 three weeks and thereafter, as and when required for interrogation.
- (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/-
21/03/2018

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



TO

1 THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI.

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

+1. CC to M/S.S.A.S.ALAUDEEN Advocate SR.No.4547

TRP

JAM/03/04/2018/ RR / SAR 1 / 3P-6C

ORDER

IN

CRL OP(MD) No.4421 of 2018

Date :21/03/2018