



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

Monday, the Twenty Second day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.956 of 2018

1 SYED MALK METHA
2 SYED ABDUL KARIM JAILANI
3 MOHAMMED NAZEERDEEN JAILANI
4 MOHAMMED YUSUF BAKKIR MYDEEN

... PETITIONERS 1 to 4/
ACCUSED 1 to 4

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
SIPCOT POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT,
CRIME NO.387/17

... RESPONDENT/COMPLAINANT

For Petitioners : M/S.S.KUMAR 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/Accused Nos.1 to 4, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(ii) of I.P.C. in Crime No.387 of 2017, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that on 29.12.2017, the defacto complainant in a talk with his friend had farced the paternal uncle of one Kani. Infuriating the same, the petitioners formed gang and attacked the defacto complainant with stickle and stick, in which, the defacto complainant sustained injuries and admitted in the hospital.

3.The learned counsel appearing for the petitioners submitted that they are innocent person and they have been falsely implicated in this case.



4. The learned Government Advocate (Crl.side) submitted that the injured was discharged from the hospital.

5. The submissions made on either side, disclose that a case in Crime No.387 of 2017 has been registered against the petitioners for the offences under Sections 294(b), 323, 324 and 506(ii) of I.P.C. Except Section 506(ii) IPC, all other offences are bailable in nature. Therefore, custodial interrogation is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 Court No.3, Thoothukudi, 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 respondent police, daily at 10.30 p.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 petitioner 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 themselves as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

sd/-
22/01/2018

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



TO

1 THE JUDICIAL MAGISTRATE NO.3, THOOTHUKUDI

2 THE CHIEF JUDICIAL MAGISTRATE
THOOTHUKUDI DISTRICT

3 THE INSPECTOR OF POLICE
SIPCOT POLICE STATION, THOOTHUKUDI,
THOOTHUKUDI DISTRICT

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

+1. CC to M/S.S.KUMAR Advocate SR.No.1083

ORDER

IN

CRL OP(MD) No.956 of 2018

Date :22/01/2018

SMA/RR-CSL/SAR-1/30.01.2018:3P/6c