



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

Thursday, the Third day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7554 of 2018

1 SYED ALI
2 MAHESH@ABDULLAH
3 PEER MOHAMED
4 AKBAR BADUSHA @ PAL AKBAR ... PETITIONERS / ACCUSED No.3,4,5 & 7

Vs

THE STATE REP.BY
THE INSEPCTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVELI.
CRIME NO.129 OF 2018.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.M.A.JINNAH Advocate

For Respondent : M/S.ASOKAN Govt. Advocate

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

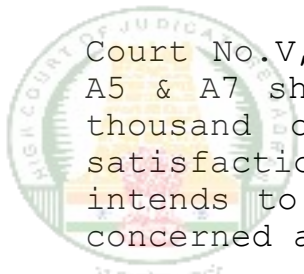
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 452, 294(b), 323, 324, 307, 506(ii), 109 of IPC in Crime No.129 of 2018 on the file of the respondent Police, seek anticipatory bail.

2.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have not committed any offences as alleged by the prosecution.

3.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 9 named accused in this case and the petitioners are arrayed as A3, A4, A5 & A7 respectively. He further submitted that the alleged occurrence took place on 26.04.2018 and the injured has been discharged from the hospital and the investigation is still pending.

4.Considering the facts and circumstances of the case and also taking note of the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners/ A3, A4, A5 & A7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate



Court No.V, Tirunelveli on condition that the petitioners/ A3, A4, A5 & A7 shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] on breach of any of the aforesaid conditions, 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).

[e] The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy is made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
03/05/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
 - 3 THE INSEPCTOR OF POLICE
MELAPALAYAM POLICE STATION, TIRUNELVELI
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.M.A.JINNAH Advocate SR.No.8160.

ORDER
IN
CRL OP(MD) No.7554 of 2018
Date :03/05/2018