



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.7614 of 2018

1 ABDUL HAMEED

2 K.MOHAMMED SIDDIQ

... PETITIONERS/RESPONDENTS/
ACCUSED RANK 1 AND 2

Vs

THE STATE REP.BY,
THE INSEPCTOR OF POLICE,
CUMBAM NORTH POLICE STATION,
CUMBAM, THENI DISTRICT.
CRIME NO. 114/2012

... RESPONDENT/PETITIONER/
COMPLAINANT

For Petitioner : M/S.Y.RAHIM RAJA, Advocate

For Respondent : M/S.M.ASOKAN, Government 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 341, 294 (b), 324, 307 506(ii) of IPC r/w.Sec.3 of TNPPDL Act in Crime No.114 of 2012 on the file of the respondent Police, seek anticipatory bail.

2.PRC No. 60 of 2013 is pending before the learned Judicial Magistrate, Uthamapalayam. When the case was posted for issuing copies on 03.01.2018, under section 317 Cr.P.C petition was filed by the advocate for the petitioners. Though the matter was posted for the first time for furnishing copies, the learned Judicial Magistrate, Uthamapalayam dismissed the petition and issued Non Bailable Warrant against the petitioners and on the same day the Magistrate also took steps to forfeit the bail bond and the learned Magistrate issued orders to take action against the sureties and only due to ill health of the petitioners they were unable to attend the court on that date and requested this court for bail order as the earlier bail bond was already forfeited.



3. On the side of the respondent it is stated that the paper publication for declaring the petitioners as absconding accused is already published and steps are taken against the sureties also.

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4. Perusal of the records reveals that the petitioners have filed 317 Cr.P.C petition and on that date the 317 Cr.P.C petition was dismissed by the lower court and an order issuing Non Bailable Warrant against the accused was passed stating that the PRC is pending for the past five years. It is the duty of the petitioner to co-operate with the trial Court for committing the case. No documents are filed to show that the first petitioner is having some kidney problem and the 2nd petitioner is having chest pain during that period. But anyhow an opportunity for the petitioners is to be given.

5. Considering the facts and circumstances of the case, 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, Theni on condition that the petitioners 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 learned Judicial Magistrate, Theni 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 during 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)**.

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, THENI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT

3 THE INSEPECTOR OF POLICE
CUMBAM NORTH POLICE STATION, CUMBAM,
THENI DISTRICT.

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

+3. CC to M/S.Y.RAHIM RAJA Advocate SR.No.8165

ORDER

IN

CRL OP(MD) No.7614 of 2018

Date :03/05/2018

PK/PMI/VK/07.05.2018 : 3P/8C