



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

Wednesday, the Ninth day of May Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) No.7744 of 2018

1 M.AJEES
2 A.KUPPAI SHEIK @ SHEIK MOHIDEEN PITCHAI
3 A.KUTCHIMUDI MYDEEN @ MEERAN MYDEEN
4 A.KAJA MYDEEN @ KAJA SYED ALI
5 A.ASHIKA @ ASHIK ALI
6 S.VASIM @ AMEER WASIM KHAN ... PETITIONERS / ACCUSED Nos.2to6

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT ... RESPONDENT / COMPLAINANT
CRIME No.131 of 2018

For Petitioners : Mr.I.SABEER MOHAMED Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)

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

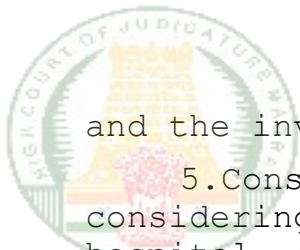
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 147, 148, 341, 294(b), 324, 323 and 506(ii) of Indian Penal Code in Crime No.131 of 2018, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that due to some dispute the petitioners are said to have attacked the defacto complainant and also threatened them with dire consequences. Thus, on complaint, a case has been registered against the petitioners.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and that they have not committed any offence as alleged by the prosecution and their name have been falsely implicated in this case.

<https://hcservices.courts.gov.in/hcservices/>
4.The learned Government Advocate (Crl. side) appearing for the respondent Police on instructions would submit that the injured has already been discharged from the hospital and treated as out-patient



and the investigation is still pending.

5. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners. 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 No.V, Tirunelveli, on condition that the each of 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 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)**.

sd/-

09/05/2018

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI

2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI

3 THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION, TIRUNELVELI DISTRICT

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

+1. CC to M/S.I.SABEER MOHAMED Advocate SR.No.8437
gns/trp

JAM/11/05/2018/ PN/ASVM /2P-6C