



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

Tuesday, the Twenty Third day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.18747 of 2018

MOHAMMED ASHKATH @ ASHKATH

... PETITIONER / ACCUSED NO.6

Vs

THE STATE REP BY,
THE INSPECTOR OF POLICE
K.K.NAGAR POLICE STATION,
TRICHY CITY.

CR NO. 414 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.M.KARUNAKARAN Advocate

For Respondent : MR.M.ASOKAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 120(b), 457, 380, 384 and Section 3 of Tamil Nadu Property (Prevention of Damage and Loss) Act in Crime No.414 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that due to previous enmity, the petitioners have ransacked the de-facto complainant's house and stolen her belongings. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that in a murder case, the de-facto complainant's family members have been arrayed as accused in Crime No.105 of 2016. In the case, now the prosecution has been filed a charge sheet. The first and second petitioners are eye-witnesses in the main case. Therefore, the present case has been foisted as against the petitioner.

4. It is also seen from the records that the occurrence took place on 27.06.2016. Thereafter an direction of this Court, the respondent police registered a case on 27.07.2018. Therefore, there is no enmity between the petitioners and the de-facto complainant's family, with regard to murder case. Hence, he prays for anticipatory bail to the petitioner.



5.The learned Additional Public Prosecutor appearing for the respondent opposed to grant anticipatory bail to the petitioner.

6.Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Trichy, and on their executing a bond for a sum of Rs.10,000/-(Rupees ten thousand only) each with two sureties, each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. Scrupulously.

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

sd/-
23/10/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO II, TRICHY
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
- 3 THE INSPECTOR OF POLICE
K.K.NAGAR POLICE STATION, TRICHY CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to MR.K.M.KARUNAKARAN Advocate SR.No. 19998

ORDER
IN
CRL OP(MD) No.18747 of 2018
Date :23/10/2018