



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

Tuesday, the Eleventh day of December Two Thousand Eighteen

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD) No.21844 of 2018**

1.ABDULLAH  
2 YUSUF AUTO @ MOHAMMED YOUSUF  
3 KASIM @ MOHAIDEEN ABDUL KADER  
4 ELECTRICIAN JAFFER @ JAFFER  
5 HYDER ALI ... PETITIONERS NO.1 TO 5 / ACCUSED NO. 1 TO 5

Vs

STATE REPRESENTED BY  
THE INSPECTOR OF POLICE,  
MELAPALAYAM POLICE STATION,  
TIRUNELVELI.

(IN CRIME NO. 67/2018)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.S.A.S.ALAUDEEN Advocate

For Respondent : MR.S.CHANDRASEKAR,  
Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 294(b), 352 & 506(ii) IPC in Crime No.67 of 2018, seek anticipatory bail.

2.The case of the prosecution is that due to wordy quarrel, the petitioners are said to have abused the defacto complainant in filthy language and also threatened him with dire consequences. Hence, the complaint.

3.This Court had already granted anticipatory bail to the petitioners on 21.03.2018, with some conditions that the petitioners shall execute a bond for a sum of Rs.25,000/- with two sureties each for a like sum to the satisfaction of the respondent police or to the police officer, who intends to arrest. But it is submitted that the petitioners are not in a position to execute the sureties. Hence, they filed this petition.



5. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners. However, it is made clear that if the petitioners are not execute the sureties within the time frame, this order will be cancelled automatically.

6. Accordingly, the petitioners 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 No.V, Tirunelveli on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation

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

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

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
11/12/2018

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V,  
TIRUNELVELI.

<https://hcservices.ecourts.gov.in/hcservices/>

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.



3. THE INSPECTOR OF POLICE,  
MELAPALAYAM POLICE STATION,  
TIRUNELVELI.

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

+1. CC to MR.S.A.S.ALAUDEEN Advocate SR.No.23108

ORDER

IN

CRL OP (MD) No.21844 of 2018

Date :11/12/2018

AE/JC/SAR1/19.12.2018/3P/6C