



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

Tuesday, the Thirteenth day of November Two Thousand and Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20228 of 2018

1.YASIR @ MOHAMMED YASIR
2.ARIVU @ SHEIK ABDULLAH
3.SARJUN
4.KULAM @ AJMEER

... PETITIONERS /ACCUSED 2 TO 5

Vs

THE STATE BY,
THE INSPECTOR OF POLICE,
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
(CRIME NO.261 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.D.VENKATESH Advocate

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

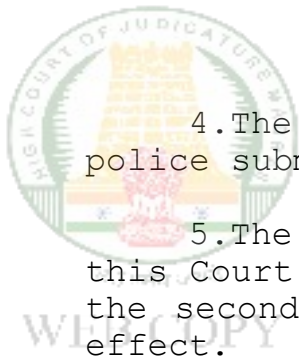
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 341 and 506(ii) of IPC and Section 4 of TNPHW Act, in Crime No.261 of 2018, seek anticipatory bail.

2.The case of the prosecution is that while the defacto complainant and his family members were standing in a bus stop, the petitioners came there in a drunken mood, due to which, they made a quarrel with the defacto complaint and his family members and the aunt of the defacto complainant who intervened and came to pacify them, which was informed to the police and the police had warned them. Due to the said motive, the petitioners trespassed into the house of the defacto complainant and scolded him with filthy language.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged occurrence.



4.The learned Additional Public Prosecutor for the respondent police submitted that the investigation is pending.

5.The learned counsel for the petitioners seeks permission of this Court to withdraw this criminal original petition in respect of the second petitioner and he has also made an endorsement to that effect.

6.In view of the above, this criminal original petition is dismissed as withdrawn in respect of the second petitioner.

7.Taking into consideration the facts of the case and the submissions by learned counsels, this Court is inclined to grant anticipatory bail to the petitioners 1,3 and 4.

8. Accordingly, the petitioners 1, 3 and 4 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, Karaikudi, 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 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 10.00 a.m., 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/-
13/11/2018

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
KARAIKUDI, SIVAGANGAI DISTRICT.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3. THE INSPECTOR OF POLICE
SAKKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to Mr.D.VENKATESH Advocate SR.No.21443.

ORDER

IN

CRL OP (MD) No.20228 of 2018

Date :13/11/2018

RAM/MMS/SAR 1/14.11.2018/3P/6C