



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

Tuesday, the Thirteenth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20265 of 2018

MOHAMED SHATHIK ALI

... PETITIONER / SOLE ACCUSED

Vs

THE STATE, REP BY ITS
SUB INSPECTOR OF POLICE
VEERACHOLAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
CRIME NO. 56 OF 2018

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.A.BASKARAN Advocate

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

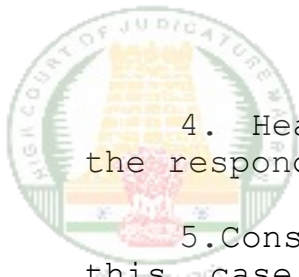
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324 and 506(i) of I.P.C, in Crime No.56 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that there was a wordy quarrel between the petitioner and the defacto complainant. Due to which, both of them were assaulted each other. The defacto complainant preferred a complaint against the petitioner. Hence a case has been registered.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant have residing in the same village. He has not committed any offence as alleged by the prosecution. The petitioner also lodged a complaint against the defacto complainant, a case has been registered in Crime No.55 of 2018, under Sections 294(b), 324 and 506(i) of I.P.C. Hence, he prays for grant of anticipatory bail to the petitioner.



4. Heard the learned Government Advocate (Criminal Side) for the respondent.

5. Considering the facts and circumstances of the case and that this case in counter case, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aruppukottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each with two sureties, for a like sum to the satisfaction of the said Magistrate, on further condition that:

[a] the petitioner 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

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

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR

3 THE SUB INSPECTOR OF POLICE
VEERACHOLAN POLICE STATION,
VIRUDHUNAGAR DISTRICT.

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

+1. CC to MR.A.BASKARAN Advocate SR.No.21423

ORDER
IN
CRL OP (MD) No.20265 of 2018
Date :13/11/2018

MSI/MMS/SAR-I/14.11.2018-3P/6C