



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

Friday, the Sixteenth day of November Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20493 of 2018

1.A. MUBARAK ALI

2.MOHAMED WASIM

... PETITIONERS / ACCUSED Nos.1 & 2

Vs

STATE REPRESENTED BY
THE SUB INSPECTOR OF POLICE,
PALAKKARAI POLICE STATION,
TRICHY DISTRICT.

(IN CRIME NO. 648 OF 2018) ... RESPONDENT / COMPLAINANT

For Petitioners : Mr.A.CHANDRAKUMAR Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government 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 offences punishable under Sections 294(b), 323, 324 and 506(ii) of IPC, in Crime No.648 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant are brothers. Due to previous enmity regarding civil dispute pending, the petitioners attacked the defacto complainant, due to which, the defacto complainant sustained injury.

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 Government Advocate (Crl.side) for the respondent police submitted that the injured has been discharged from the hospital.



5. Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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, Trichy, 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 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/-
16/11/2018

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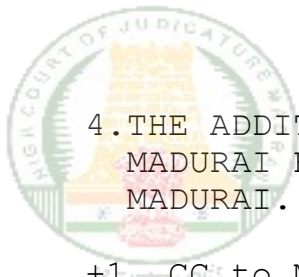
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.V,
TRICHY

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

3. THE SUB INSPECTOR OF POLICE,
PALAKKARAI POLICE STATION,
TRICHY DISTRICT.



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

+1. CC to MR.A.CHANDRAKUMAR Advocate SR.No.21796

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ORDER

IN

CRL OP (MD) No.20493 of 2018

Date :16/11/2018

AE/PN/SAR1/22.11.2018/3P/6C