



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

Tuesday, the Twenty Seventh day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20973 of 2018

ARIVU @ SHEIK ABDULLAH

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

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

... RESPONDENT / COMPLAINANT

For Petitioner : MR.C.SUSIKUMAR 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 petitioner apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 341 & 506(ii) of IPC and Section 4 of TNPHW Act in Cr.No.261 of 2018 seeks anticipatory bail.

2. The case of the prosecution is that while the defacto complainant stand in a bus stop along with his family members, the petitioner along with other accused persons came there in a drunken mood. Hence, there was a quarrel arose between the defacto complainant and accused persons. At that time, the duty police warned him. Due to the motive the accused persons pull down his aunt and beaten the defacto complainant. Hence the complaint.

3.The learned counsel for the petitioner would submit that a false case has been foisted against him and he has not committed any offence as alleged by the prosecution. The co-accused in this case granted anticipatory bail by this Court..



4.The learned Government Advocate (Crl. Side) submitted that the petitioner has no previous case and co-accused have been granted anticipatory bail in Crl.O.P.(MD).No.20228 of 2018 dated 13.11.2018.

5.Taking into consideration the facts of the case and considering the fact the A1, A3 & A4 were granted anticipatory bail on 13.11.2018 by this Court, 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, Karaikudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, each for a like sum to the satisfaction of the said Magistrate, on further condition that:

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

[b] the petitioner shall report before the respondent police as and when required for interrogation

[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/-

27/11/2018

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE,
KARAIKUDI.

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 M/S.C.SUSIKUMAR Advocate SR.No.22319

ORDER
IN
CRL OP(MD) No.20973 of 2018
Date :27/11/2018

JM/VR MMS/SAR 3/03.12.2018/3P/6C