



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

Thursday, the Twenty Ninth day of November Two Thousand Eighteen
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21192 of 2018

1 SATHAM HUSSAIN
2 GANI
3 SEENI PULAVAR

... PETITIONERS / ACCUSED NO.1 TO 3

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
R.S. MANGALAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO. 167 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.M.A. JINNAH 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 apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b) and 506(ii) IPC in Cr.No.167 of 2018, seek anticipatory bail.

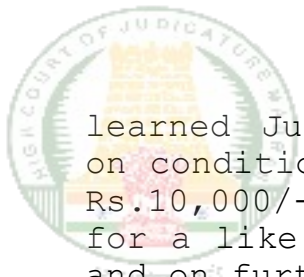
2. The case of the prosecution is that due to previous enmity, the petitioners and others assaulted the defacto complainant and abused him with filthy language and also threatened him with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, anticipatory bail may be granted to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the injured has been discharged from the hospital.

5. Taking note of the facts and circumstances of the case and also considering the fact that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the



learned Judicial Magistrate, Thiruvadanai, Ramanathapuram District 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 concerned and on further condition that:

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[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]**. and

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

sd/-

29/11/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVADANAI, RAMANATHAPURAM DISTRICT.
 - 2 THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
 - 3 THE INSPECTOR OF POLICE
R.S. MANGALAM POLICE STATION, RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.S.M.A. JINNAH Advocate SR.No.22535
PS/VR-MMS/SAR-4/04/12/2018/2P/6C

ORDER

IN

CRL OP(MD) No.21192 of 2018

Date : 29/11/2018