



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

Wednesday, the Sixth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.1919 of 2019

M.AHAMED KANI

... PETITIONER / ACCUSED NO.2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
THIRU UTHIRAKOSAMANGAI POLICE STATION,
RAMANATHAPUARM DISTRICT.
CRIME NO.70/2017

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.I.SABEER MOHAMED, 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 :-

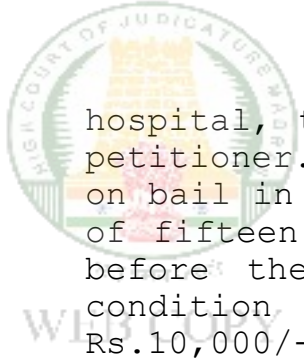
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 450, 294(b), 324 and 307 of I.P.C. r/w Section 109 of IPC in Cr.No.70 of 2017 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that due to previous enmity, the petitioner and the other accused assaulted the defacto complainant and caused injuries. Thereby, the Law Enforcing Agency has registered the case.

3.The learned counsel appearing for the petitioner would submit that due to previous enmity, this false case has been foisted against the petitioner and the petitioner did not commit any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the injured person has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also the fact that the injured person has been discharged from the



hospital, this Court is inclined to grant anticipatory bail to the petitioner. 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 No.I, Ramanathapuram, 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as daily at 10.30 a.m., until further orders;

(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 petitioners 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

06/02/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPUARM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPUARM DISTRICT.
3. THE INSPECTOR OF POLICE
THIRU UTHIRAKOSAMANGAI POLICE STATION,
RAMANATHAPUARM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.I.SABEER MOHAMED Advocate SR.No.2529

ORDER IN

CRL OP(MD) No.1919 of 2019

Date : 06/02/2019