



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Fourteenth day of February Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.2252 of 2019

1 IBRAMSHA @ SYED IBRAMSHA
2 ABDUL MUTHALIBU
3 SITHIK @ AHAMED SITHIK ALI
4 SHAHUL @ SHAHUL HAMEED
5 PAKKEER @ PAKKEER MOHAMMED
6 ANIS FATHIMA
7 RAMJAN @ RAMJAN PARVEEN

... PETITIONERS / ACCUSED NO.1 TO 7

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
THIRUPPALAIKUDI POLICE STATION,
RAMNAD DISTRICT.
(CRIME.NO.8 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.R.MURUGAN 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 petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 294(b), 324, 506(ii) and 307 of IPC, in Cr.No.8 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 08.02.2019 while the defacto complainant was proceeding to his sister's house and the petitioner and other group way laid the him and assaulted with deadly weapon, thereby he admitted in the hospital. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not



commit any offence as alleged by the prosecution. It is a case in counter case.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that it is a case in counter case. The defacto complainant formed one group and the petitioners formed another group. On suspicion that the defacto complainant is the informant, the petitioners attacked the defacto complainant. However, the injured person in this case has been discharged from the hospital.

5.Considering the facts and circumstances of this case and considering the fact that the injured person discharged from the hospital and it is a case in counter case I am inclined to grant anticipatory bail to the petitioners. 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.I, Ramanathapuram, 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 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 petitioners 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 petitioners 1 to 3 shall report before the Inspector of Police, Sivagangai Town Police Station, Sivagangai, daily at 10.30 a.m. until further orders; the 5th petitioner shall report before the respondent police daily at 10.30 a.m. until further orders and the petitioners 6 & 7 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/02/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO-I,
RAMANATHAPURAM.
- 2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
THIRUPPALAIKUDI POLICE STATION,
RAMNAD DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.R.MURUGAN Advocate SR.No.3093

PS/PN/SAR-4/18.02.2019/3P/6C

ORDER
IN
CRL OP(MD) No.2252 of 2019
Date :14/02/2019