



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

Monday, the Eighth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5300 of 2019

1 SYED ABDUL GAFFOOR @ MUSHATHICK

2 SYED BAHAVUDEEN @ SADIQ

3 SYED IBRAHIM USSAIN

... PETITIONERS / ACCUSED Nos.
1 to 3

Vs

STATE REPRESENTED BY THE
THE INSPECTOR OF POLICE
THIDEER NAGAR POLICE STATION,
MADURAI CITY.

Crime No.116 of 2019

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.I.SABEER MOHAMED 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 offence punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) I.P.C, in Crime No.116 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that dispute arose between the petitioners and the defacto complainant regarding the administration of Jamath, the petitioners abused the defacto complainant using filthy language and assaulted him, for which case and counter case were registered as against the petitioners as well as the defacto complainant.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence.

4.The learned Government Advocate(Crl.side) appearing for the State would submit that injured/defacto complainant has been absconding from the hospital. He would further submit that no previous case as against the petitioners.



5. Considering the facts and circumstances and considering the fact that the injured had been absconded from the hospital and having no previous case as against the petitioners, this Court is 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.V, Madurai, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

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

(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/-
08/04/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO V,
MADURAI.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE
THIDEER NAGAR POLICE STATION,
MADURAI CITY.

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

+1. CC to Mr. I. SABEER MOHAMED Advocate SR.No.6313

ORDER

IN

CRL OP (MD) No.5300 of 2019

Date : 08/04/2019

TK/PN/SAR-4/11.04.2019/3P/6C