

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.7412 of 2019

A. KHAJA NAWAS @ NAVAS

...PETITIONER / ACCUSED No.6

Vs

STATE REPRESENTED THROUGH
THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVLEI.

Crime No.129 of 2018

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.M.A.JINNAH Advocate

For Respondent : Mr.R.ANANDARAJ, Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.6, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 147, 452, 294(b), 307, 324, 323, 506(2), 109 of of IPC, in Crime No. 129 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that there was a difference of opinion between the defacto complainant and the petitioner, since the petitioner belongs to different organization. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution.

4. The learned Additional Public Prosecutor would submit that the person who sustained injuries at the time of occurrence was discharged from the hospital and completed his treatment.

5. The submissions made by the learned counsel appearing on either side are considered.

6. It is alleged, due to the dispute between the two organisations, the petitioner assaulted the *defacto* complainant and thereby, the *defacto* complainant has sustained injury. As of now, the injured was discharged from the hospital after taking treatment. Considering the nature of offences committed by the petitioner, the custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioner.

7. 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.V, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioner as well as the sureties shall submit a copy of their Aadhar card or any other Identity cards issued by the Government, in proof of their address, along with the surety bonds.

(ii) the petitioner shall stay at Aruppukkottai and report before the Inspector of Police, Aruppukkottai Police Station, daily at 10.00 a.m., for a period of 3-weeks.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

sd/-
29/05/2019

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TO

1.THE JUDICIAL MAGISTRATE NO V,
TIRUNELVELI.

2.THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3.THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
TIRUNELVLEI.

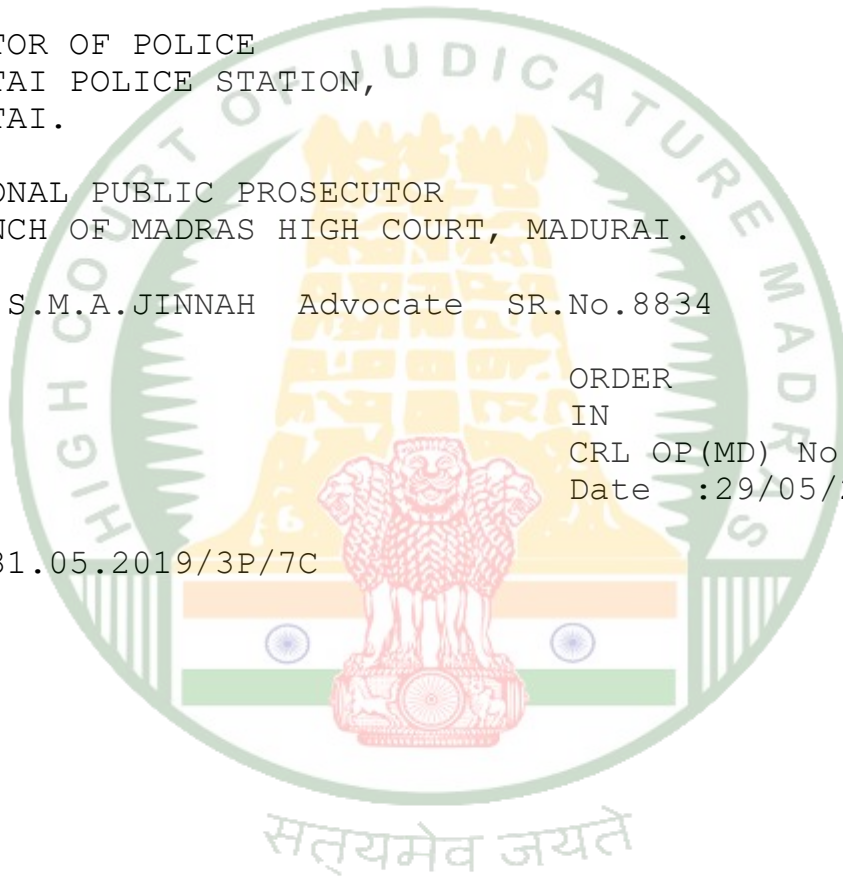
4.THE INSEPCTOR OF POLICE
ARUPPUKKOTTAI POLICE STATION,
ARUPPUKKOTTAI.

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

+1. CC to Mr.S.M.A.JINNAH Advocate SR.No.8834

ORDER
IN
CRL OP(MD) No.7412 of 2019
Date :29/05/2019

TK/VR/SAR-1/31.05.2019/3P/7C



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