



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/08/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10953 of 2019

Shakul Hameed

... Petitioner/Accused No.18

Vs

State Rep.by
The Inspector of Police,
Devakottai Taluk Police Station,
Sivagangai District.
Crime No.117 of 2019

... Respondent/Complainant

For Petitioner : M/s.S.Sundarapandian,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

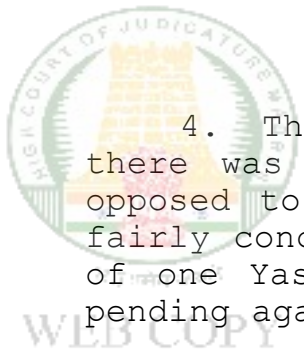
For Anticipatory Bail in Crime No . 117 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of TNPHW Act, in Crime No.117 of 2019, seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that the petitioner is innocent and he has been falsely implicated in the above case. He would further submit that no previous case is pending against the petitioner. He would also submit that even as per the First Information Report, the accused parties went to bury the dead body of one Yasmeen in their patta land, the complainant party objected the same even though the said land belongs to the accused party. Hence he prays to grant anticipatory bail to the petitioner.



4. The learned Government Advocate(Crl.Side) has submitted there was some dispute regarding burial of dead body. Hence she opposed to grant anticipatory bail to the petitioner. However she fairly conceded that the accused parties went to bury the dead body of one Yasmeen in their patta land only and no previous case is pending against the petitioner.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that no previous case is pending against the petitioner and also the fact that the accused parties went to bury the dead body of the said Yasmeen in their own patta land, this Court is inclined to grant anticipatory bail to the petitioners.

[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Devakottai 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[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 petitioner 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].

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

sd/-

02/08/2019

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



TO

1. THE JUDICIAL MAGISTRATE, DEVAKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
DEVAKOTTAI TALUK POLICE STATION, SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SUNDARAPANDIAN Advocate SR.No.12883

ORDER

IN

CRL OP(MD) No.10953 of 2019

Date :02/08/2019

MS/JC/SAR-1/13.08.2019/3P.6C