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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 13/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.656 of 2020

1. Sadhik
2. Sardhar
3. Pitchai
4. Mohammed Mukthar Kani,
5. Yasar Arabath, ... Petitioners/Accused Nos. 1 to 5

Vs

The State,
Rep.by the Sub Inspector of Police,
Devipattinam Police Station,
Ramnadu District.
(Crime No.234/2019). ... Respondent/Complainant

For Petitioners : M/s.A.Uthayakumar,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

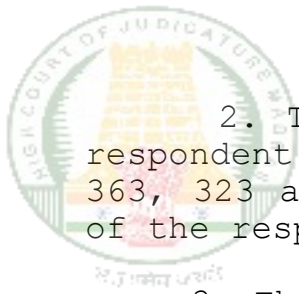
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 234/2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl. Side) appearing for the respondent.



2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 363, 323 and 506(i) of I.P.C., in Crime No.234 of 2019 on the file of the respondent police, seek anticipatory bail.

3. The defacto complainant in this case is one Sheik Alavudeen. He was abducted by the petitioners along with Kuthupudeen on 11.12.2019 at about 12.00 noon in a car and beaten up badly and also illegally confined. The petitioners had entertained suspicion that the defacto complainant had stolen the jewels belonging to the sister of the first petitioner. The defacto complainant was later dropped outside Uchipuli Police Station.

4. The petitioner's counsel would point out that a case against the defacto complainant herein has been registered on the file of the Uchipuli Police Station on 13.12.2019. But then, a fact remains that Devipattinam Police Station received information from one Sheik Alavudeen on 12.12.2019 at 3.30 p.m., The defacto complainant was abducted and illegally confined and also beaten up badly by the petitioners herein.

5. The learned Government Advocate (Crl.side) would point out that the defacto complainant was in Hospital for about 20 days. The conduct of the petitioners cannot be condoned. They had no business to take law into their hands, merely because, they suspected the defacto complainant of having committed theft in the house of the sister of the first petitioner Sadhik, that does not give them authority to apprehend and detain the defacto complainant.

6. The petitioner's counsel submits that the petitioners write out a joint letter of unconditional apology addressed to the defacto complainant. They also agree to take a demand draft for a sum of Rs.5,000/- favouring the defacto complainant and enclose the same along with the surrender petition. The apology letter as well as the demand draft will be handed over to the defacto complainant by the Court below through the respondent police. Of-course, this is without prejudice to the defence of the petitioners in the trial.

7. In view of the above, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Ramnad, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.



8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

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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 -DO-THRO- THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION, RAMNADU DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.656 of 2020
Date :13/01/2020

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