



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

Date : 25/06/2020

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PRESENT

The Hon'ble Mr.Justice RMT.TEEKAA RAMAN

CRL OP(MD) . No.5888 of 2020

Shahul Hameed

... Petitioner/Accused No.3

Vs

State rep. by,
The Inspector of Police,
Pattukkottai Town Police Station,
Thanjavur District.
In Crime.No.122 /2020.

... Respondent/Complainant

For Petitioner : M/s. AN.Ramanathan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime.No. 122 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

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

2. The petitioner, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 294(b), 341 and 302 IPC in Crime No.122 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the deceased namely Durai @ Sathakkathullah had previous enmity with the first accused. Due to that enmity, the victim damaged the bike of the first accused on 23.03.2020 at about 09.00 p.m. over this grudge, the petitioner and other accused persons waylaid the victim on the same day at 10.00 p.m., and the first accused attacked the victim by wooden log



on his head, thereby, he died on spot. Hence, the complaint.

4. The learned counsel appearing for the petitioner would submit that the petitioner is arrayed as third accused in this case. The accused Nos.1, 2 and 4 were already granted anticipatory bail by this Court in Crl.O.P.(MD)No.6087 of 2020 dated 12.06.2020. The petitioner's counsel gives an undertaking that the petitioners would stay at Trichy and report before the Cantonment police station daily at 7.00 p.m. for a period of eight weeks. He will not enter into Thanjavur limits during the period of two months. He also gives an undertaking that the petitioner will not apply for modification and relaxation of this condition.

5. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner has no previous case.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions:-

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Pattukkottai, and on his executing 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 learned Magistrate concerned;

(ii) 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;

(iii) the petitioner is directed to report before the Cantonment police station daily at 7.00 p.m. for a period of eight weeks and thereafter, the petitioner is directed to appear before the respondent police as and when required for interrogation;

(iv) The petitioner shall not tamper with evidence or witness either during investigation or trial;

(v) The petitioner shall not abscond either during investigation or trial;

(vi) 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]**; and;



(vii) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/06/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI.
2. DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
PATTUKKOTTAI TOWN POLICE STATION,
THANJAVUR DISTRICT.
4. THE INSEPCTOR OF POLICE,
CANTONMENT POLICE STATION,
TRICHY.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5888 of 2020
Date :25/06/2020

MYR
SRS/ JC/ SAR-II/ 29.06.2020/ 3P/6C