



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

Date : 15/06/2020

PRESENT

The Hon'ble Mr.Justice M.DHANDAPANI

CRL OP (MD) .No.6242 of 2020

1. Imran Khan
2. Syedmeera
3. Yasin
4. Shajahan
5. Kamurudeen

... Petitioners/Accused
(Rank Not Known)

Vs.

State rep. By
The Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
Cr.No. 699 of 2020.

... Respondent/Complainant

For Petitioners : M/s.Sulthan Basha,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

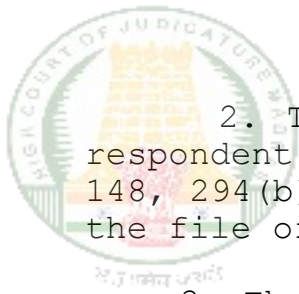
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

To enlarge the petitioners on bail in the event of their arrest or surrender in Cr.No.699 of 2020 pending investigation 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, 148, 294(b), 33, 324 & 506(ii) of I.P.C., in Crime No.699 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that on 09.06.2020, a meeting was held at Kattuvasal Masjidh, Kattuthalaivasal, Sivagangai District. The petitioners as well as the de facto complainant participated in the above said meeting. It is alleged that during the course of the meeting session, the petitioners as well as the de facto complainant picked up wordy quarrel. In continuance of the same, the very next day, (i.e.) on 10.06.2020, in front of the Masjidh, the petitioners questioned the de facto complainant's illegal act and clashed with each other, as a result of which, the de facto complainant fell down, since the petitioners pushed him forcefully and the de facto complainant sustained simple injury. In addition, the petitioners further abused the de facto complainant using filthy words and also gave him life threat. Hence, the complaint.

4. The learned Government Advocate (Crl. side) appearing for the State would submit that the injured was discharged from the hospital.

5. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

(i). Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Principal District Munsif cum Judicial Magistrate Court, Karaikudi, and on their 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 petitioners shall appear before the respondent police as and when required for interrogation.

(iii) 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

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



6. 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.

7. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

sd/-
15/06/2020

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

TO

1. THE PRINCIPAL DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KARAIKUDI.
2. -DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
3. THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.6242 of 2020
Date :15/06/2020

SKN
TE/JC/SAR-II : 17/06/2020 : 3P/5C