



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

Date : 04/12/2020

PRESENT

The Hon`ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD). No.13997 of 2020

1. Mohamed Nazar @ Mohamednaser
2. Sabibullah @ Sabibulla Khan,
3. Rasid Ali (Athali) @ Raseed Ali
4. Seeman @ Pahathur Khan ... Petitioners/Accused Nos.5,9 to 11

Vs

State Rep.by
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
(Crime No.343/2020).

... Respondent/Complainant

For Petitioners: M/s.T.Veerakumar,
Advocate.

For Respondent : M/s.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.343 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.5, 9 to 11, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 332, 353, 294(b), 392 and 307 of IPC seek anticipatory bail.

2.Heard the learned counsel on either side.

3.The case of the prosecution is that on receiving secret information about fishing sea cucumber, when the defacto complainant and other police officials made a search in their locality, the petitioners along with other accused persons said to have abused the defacto complainant and also assaulted the police officials.

4.The learned Government Advocate (Crl. Side) raised serious objections by stating that while the police officials discharging



their duties, they were attacked by all the accused persons and the mobile phone of the police officer was also taken away by the accused persons and some of the accused persons in this case pushed the police officials and attacked them. She would further submit that the investigation is going on.

WEB COPY

5.This Court has granted anticipatory bail to the other accused on 19.11.2020 in CrI.O.P.(MD)No.13078 of 2020. Thus, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Rameswaram, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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)the petitioners and 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;

(b)the petitioners shall report before the respondent police daily at 10.00 a.m., for a period of four weeks and thereafter as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 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;

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

sd/-

04/12/2020

/ TRUE COPY /

/ /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.

WEB COPY

- TO
1. THE JUDICIAL MAGISTRATE, RAMESWARAM,
RAMANATHAPURAM DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION, RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.13997 of 2020
Date :04/12/2020

MS/PN/SAR-2/08.12.2020/3P.5C