

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

Friday, the Twelfth day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.5070 of 2019

1 RAJA MOHAMMED
2 FATHU MUTHU

... PETITIONERS / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
VALINOKKAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
IN CRIME NO.NOT KNOWN/2019

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.D.S.HAROON RASHEED, Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294 (b), 323 and 506 (i) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Woman Act in Cr.No.15 of 2019, on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that due to water dispute between petitioner and the defacto complainant, the petitioners along with others abused the defacto complainant and assaulted him and threatened him with dire consequences and hence, the defacto complainant preferred a complaint before the respondent police.

3.The learned counsel appearing for the petitioners would submit that the petitioners have been falsely implicated in this case and they have nothing to do with the alleged offence. The learned counsel for the second petitioner in Crl.O.P(MD) No.5070 of 2019 seeks permission of this Court to withdraw the criminal original petition in respect of the first petitioner and he has also made an endorsement to that effect.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that injured was treated as out patient.

5.In view of the endorsement made by the learned counsel for the petitioners, this petition is dismissed as withdrawn in respect of the second petitioner.

6.Considering the facts and circumstances and considering the fact that the injured was treated as out patient , this Court is inclined to grant anticipatory bail to the first petitioner. Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Muthugulathur, Ramanathapuram District, on condition that the first petitioner 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the first petitioner 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 first petitioner shall report before the respondent police daily at 10.30 a.m.,until further orders;

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

(d)the first 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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;

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

sd/-
12/04/2019

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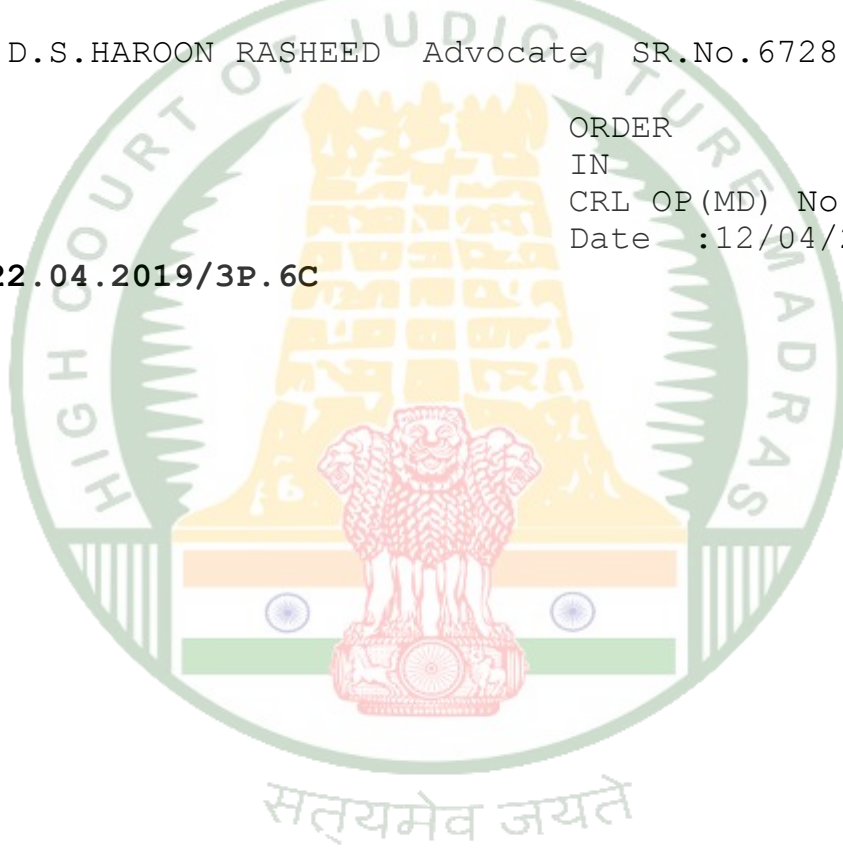
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, MUTHUGULATHUR,
RAMANATHAPURAM DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 3. THE INSPECTOR OF POLICE
VALINOKKAM POLICE STATION, RAMANATHAPURAM DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.D.S.HAROON RASHEED Advocate SR.No.6728

ORDER
IN
CRL OP (MD) No.5070 of 2019
Date :12/04/2019

MS/JC/SAR-2/22.04.2019/3P.6C



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