



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 25/06/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.8549 of 2019

1. Absar Hussain,
2. Mohamed Shajakhan @ Shajakhan,
3. Abdul Rahuman @ Rahuman,
4. Dilsath Begam,
5. Ramzan Begam @ Ramzan Beevi,,
6. Shakul Hameed, ... Petitioners/Accused Nos. 1 to 6

Vs

State rep.by
The Inspector of Police,,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.
(Crime No.292 of 2019). ... Respondent/Complainant

Jailani ... Petitioner/Intervener
in CRL MP(MD).NO.5574 of 2019
in CRL OP(MD).NO.8549 of 2019

For Petitioners : M/s.J.Yesu Subananth,
Advocate.
For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor.
For Intervenor : Mr.A.Anandaraj

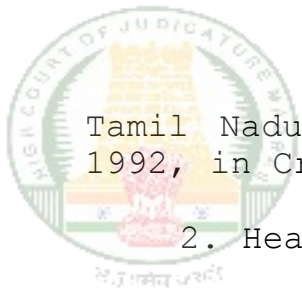
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No. 292 of 2019 on the file of
the respondent Police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 147,
148, 448, 341, 307, 355 and 506 (ii) of IPC and Section 3 (1) of



Tamil Nadu Public Property (Prevention of Damages and Loss Act), 1992, in Crime No.292 of 2019, seek anticipatory bail.

2. Heard both sides.

3. The learned counsel appearing for the petitioners has submitted that as per the FIR, already there was a civil dispute between the defacto complainant and the petitioners with regard to the usage of alley. On 14.06.2019, at about 09.00 a.m, while the defacto complainant was drying the clothes at upstairs, the petitioners tried to enter into the defacto complainant's house and damaged the door worth about Rs.20,000/- and when the same was questioned by the defacto complainant, the petitioners assaulted the defacto complainant and one Amirkhan with iron rod in their heads and criminally intimidated them. He further submitted that the injured persons sustained only simple injuries and also they were discharged from the hospital and therefore, he prayed anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent has submitted that it is a case and counter case. He further submitted that due to previous enmity, the petitioners have assaulted the defacto complainant and other one person with iron rod and criminally intimidated them and hence, he opposed this petition. However, he fairly conceded that the injured sustained only simple injuries and they were already discharged from the hospital.

5. The learned counsel for the Intervenor appearing for the defacto complainant has submitted that due to election motive, the dispute arose between the petitioner and the respondents with regard to the usage of alley. On 14.06.2019, at about 09.00 a.m, while the defacto complainant was drying the clothes at upstairs, accused persons tried to enter into the defacto complainant's house and damaged the household articles and the same was questioned by the defacto complainant, the petitioners assaulted the defacto complainant and one Amirkhan with iron rod in their heads and criminally intimidated him. They were admitted to hospital and taken treatment for 7 days. He further submitted that already a case was registered against the accused persons. In order to escape from the criminal proceedings, the accused persons filed this Criminal Original Petition. Hence, he opposed to grant anticipatory bail to the petitioners.

6. Taking into consideration the fact that the injured persons sustained only simple injuries and they were also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumangalam, Madurai, 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:

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(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily evening at 06.30 p.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].

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

sd/-
25/06/2019

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

TO

1. The Judicial Magistrate, Thirumangalam,
Madurai.
2. Do-Through The Chief Judicial Magistrate,
Madurai District.
3. The Inspector of Police,
Thirumangalam Town Police Station,
Thirumangalam, Madurai District.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.J.YESU SUBANANTH, Advocate (SR-10494[I] dated
26/06/2019)

ORDER
IN
CRL OP(MD) No.8549 of 2019
Date :25/06/2019

dss
AE/PN/SAR-III (02.07.2019) 4P 6C