



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

Date : 24/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD). No.7725 of 2020

J.Mohamed Ajimal

... Petitioner/Accused Rank Not Known

Vs

The State rep by
The Inspector of Police,
Thiruneelakudi Police Station,
Thanjavur District.

(Cr.No.Not Known of 2020) ... Respondent/Complainant

For Petitioner : A.Victoria, Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

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

For Anticipatory Bail in Cr.No. of 2020 on the file of the
respondent police.

ORDER : The Court made the following order :-

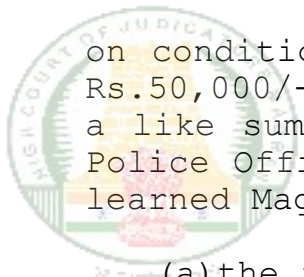
Totally there are two accused in this case. The petitioner is
figuring as accused No.2 in Crime No.765 of 2020, on the file of the
respondent police for the offences punishable under Sections 341,
294(b), 324 and 506(2) of I.P.C.

2.The case of the prosecution is that the de-facto complainant
is the father of the petitioner. The de-facto complainant and the
petitioner's mother were living separately. On the date of
occurrence, due to family dispute, there was a wordy quarrel arose
between them, the petitioner and others are said to have attacked
the de-facto complainant with iron rod and caused injuries.

3.The learned counsel appearing for the petitioner would submit
that the petitioner is innocent and he has been falsely implicated
in this case.

4.The learned Additional Public Prosecutor appearing for the
State would submit that the injured has been discharged from the
hospital.

5.Considering the facts and circumstances of the case and also
considering the fact that it is a family dispute and the injured was
also discharged from the hospital, this Court is inclined to grant
anticipatory bail to the petitioner with certain conditions.
Accordingly, the petitioner is ordered to be released on bail in the
event of arrest or on his appearance, within a period of four weeks
from the date of receipt of a copy of this order, before the learned
Judicial Magistrate Court, Thiruvidadimaruthur, Thanjavur District,



on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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 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 petitioner shall report before the respondent police as and when required for interrogation;

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

(d) the 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 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;

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

sd/-

24/07/2020

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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, Thiruvidadaimaruthur, Thanjavur District.
2. Do-Through The Chief Judicial Magistrate,
Thanjore at Kumbakonam.
3. The Inspector of Police, Thiruneelakudi Police Station,
Thanjavur District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN

CRL OP(MD) No.7725 of 2020

Date : 24/07/2020