



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/09/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.10149 of 2020

1. Ayya Kannu @ Abdul Kadar @ Abdul Kathar
2. Beer Mohamed @ Beer Mohammed
3. Mohamed Sherif @ Mohammed Sherifu

... Petitioner/Accused No.1 to 3

Vs

State rep.by
The Inspector of Police,
Melavalavu Police Station,
Madurai District.

CRIME No. 1105 of 2020.

... Respondent/Complainant

For Petitioners : M/s.R.Rajaselvan,
Advocate.

For Respondent : Ms.S.E.Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Cr.No.1105 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 341 and 506(i) of IPC seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the petitioners are members of one Jammaad . Earlier there was a quarrel between them and complaint has been given and enquiry was conducted by the respondent police. On the date of occurrence both the petitioners and the defacto complainant attacked each other,hence a case and

<https://hccsecrets.com/cr/10149>



4. The learned counsel for the petitioners would submit that due to some wordy quarrel between two groups the occurrence is said to have taken place. He would also submit that it is a case and counter case. He would also submit in respect of very same incident another First Information Report has been registered and the petitioners have also given complaint against the defacto complainant.

5. The learned Government Advocate(Crl.Side) would submit that it is a case and counter case and due to some wordy quarrel between two groups the occurrence is said to have taken place.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the occurrence is said to have taken place due to wordy quarrel and also it is a case and case in counter, 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 their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 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/-
23/09/2020

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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,
MELUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3 THE INSPECTOR OF POLICE,
MELAVALLAVU POLICE STATION,
MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.RAJA SELVAN, Advocate (SR-6576[I] dated 23/09/2020)

ORDER
IN
CRL OP(MD) No.10149 of 2020
Date :23/09/2020

aav
JM/VR/SAR I/25.09.2020/3P/6C