



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD).No.10345 of 2020

- 1.Anwar @ Anwar Ibrahim
- 2.Imthiyas Ahamed
- 3.Hameed Jhon @ Hamejan Kani
- 4.Mohamed Jeeyaudeen @
Mohamed Kiyathudeen
- 5.Parthani Ahamed @ Yakooob Farthani
- 6.Hameethulla
- 7.Mohamed Kishan
- 8.Kanja Sunaikal @ Mohamed Suhail

... Petitioners No.1 to 8/
Accused No.1 to 8

Vs

State rep.by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.353/2020)

... 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 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No.353 of 2020 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A8, apprehending
arrest at the hands of the respondent police for the offences
punishable under sections 147, 148, 294(b), 323, 427, 506(ii) IPC
and Section 3 of the Tamil Nadu Public Property (Prevention of
Damages and Loss) Act, 1992, in Crime No.353 of 2020 on the file of
the respondent police, seek anticipatory bail.

<https://hdsres.cerps.com.il/hdsr/cr>



2.The case of the prosecution is that on 18.09.2020 at about 8.00 p.m. while the defacto complainant came towards the west street at Panikulam through a Car, the defacto complainant's Car dashed against the A2's two wheeler. Due to which, a wordy quarrel arose between them and subsequently, all the petitioners attacked the defacto complainant, abused him, criminally intimidated and damaged his Car. Hence, the complaint.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

4.The learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainant are residing in the same village. Due to previous enmity, the defacto complainant gave a false complaint against the petitioners. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioners and the defacto complainant are residing in a same village. Due to accident, all the petitioners attacked the defacto complainant and damaged his Car.

6.Considering facts and circumstances of the case and also considering the fact that the petitioners and the defacto complainant are residing in a same village and no serious allegation has been made against the petitioners, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

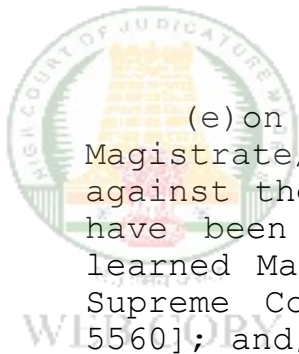
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.1, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
29/09/2020

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/ /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.

TO

- 1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
- 3 THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10345 of 2020
Date :29/09/2020

vsd
JM/VR/SAR II/05.10.2020/3P/5C