



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/10/2020

WEB COPY

PRESENT

The Hon'ble Mr. Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.10902 of 2020

1. Anwar Ali @ Mohamed Anwar Ali
2. Abdullah @ Mohamed Abdul Kadar ... Petitioners/Accused

Vs

The State rep. by
The Inspector of Police,
Kenikarai Police Station,
Ramanathapuram District.
in Cr.No.571 of 2020. ... Respondent/Complainant

For Petitioner : M/s.J.M.Hassanul Bazari,
Advocate.

For Respondent : Mr.R.Erottuchamy,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Cr No.571 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 435, 506 (i) of I.P.C., and Section 4 of TNPHW Act, in Crime No.571 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that already there was civil dispute between the petitioners and the defacto complainant. Regarding the issue, the defacto complainant lodged a complaint before the Superintendent of Police. Due to which, the petitioners said to have abused the defacto complainant by using filthy language, assaulted her using hands and threatened with dire consequences. Further, they set fire for intending to cause damage to the house. Hence, the complaint.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed to anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent has submitted already that there was a civil dispute between the petitioners and the defacto complainant for several years. Regarding the issue, the defacto complainant lodged a complaint before the Superintendent of Police. Due to which, the petitioners said to have abused the defacto complainant by using filthy language, assaulted her using hands and threatened with dire consequences. Further, they set fire on the house and caused damage to the fence. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Taking into consideration the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 Court, No.II, 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:

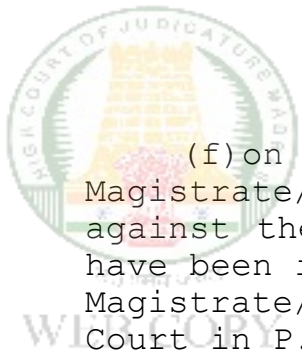
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners are directed to pay Rs.2,000/- to the defacto complainant directly.

(c)the petitioners shall report before the respondent police daily morning at 10.30 a.m., without fail, for a period of four weeks and thereafter as on when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;



(f) 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;

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

sd/-
07/10/2020

/ TRUE COPY /

/ /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.II,
RAMANATHAPURAM.
2. -DO- THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KENIKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10902 of 2020
Date : 07/10/2020

DSS
SRS/ AKM/SAR-IV/ 09.10.2020/ 3P/5C