



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

Date : 23/11/2020

PRESENT

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

CRL OP(MD) . No.13261 of 2020

1. Sharif Ushain
2. Majeebeebi
3. Shek Ismail

... Petitioners/Accused 1 to 3

Vs

State rep.by its.,
The Inspector of Police,
Srirangam Police Station,
Trichy District.
In Crime No.947 of 2020.

... Respondent/Complainant

For Petitioners: Mr.D.Ramesh Kumar,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.947 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 323 and 506 (ii) of IPC, in Crime No.947 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to the long standing civil dispute between the petitioner and the defacto complainant, the petitioners were said to have abused the defacto complainant by using filthy language and also attacked him with hands and caused injuries. 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 are innocent persons and they have been falsely implicated in this case. He further submitted that the defacto complainant encroached the KABASTHA, a place where the body of Muslim were buried. Hence, the petitioners questioned the same, at that time, the defacto complainant assaulted the 1st petitioner with a brick, who is a handicapped and on the basis of the 1st petitioner's complaint, a case has been registered in Crime No.946 of 2020. In order to escape from the clutches of law he preferred the present complaint against the petitioners and he sustained only simple injury and he was treated as out patient. Hence, he seeks anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl. Side), on instructions, submitted that the injured sustained only simple injury and he was treated as out patient.

6.Considering the facts and circumstances of the case and also considering the fact that the injured sustained only simple injury and he was treated as out patient, 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 two weeks from the date of receipt of a copy of this order, before the learned District Munsif Cum Judicial Magistrate, Srirangam, Trichy District, 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:

(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 first petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks without fail and thereafter, 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/-
23/11/2020

/ 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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIRANGAM, TRICHY DISTRICT.
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3.THE INSPECTOR OF POLICE,
SRIRANGAM POLICE STATION, TRICHY DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to MR.D.RAMESH KUMAR, Advocate SR.No.7642

ORDER
IN
CRL OP(MD) No.13261 of 2020
Date :23/11/2020

dss
PK/JC/SAR-III/26.11.2020 : 3P/6C