

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2021

CORAM

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.2352 of 2021

1. Shekshowkathali @ Soukath ..... Petitioners
2. Shaik Shameer @ Sameer
3. Mahaboobasha
4. Shaik Hassain @ Hassain
5. Shaik Hussain @ Hussain

Vs.

The state represented by .....Respondent  
The Inspector of Police,  
Thally Police Station  
Krishnagiri District.  
(Crime No.19 of 2021).

**Prayer** : Criminal Original Petition filed under Section 438 of Cr.P.C to enlarge the petitioner on bail in the event of his arrest pending investigation in crime No.19 of 2021 on the file of the respondent police.

For Petitioners : Mr.S.N. Arun Kumar

For Respondent : Mr.S. Karthikeyan

Additional Public Prosecutor

**ORDER**

**(The case has been heard through video conference)**

The petitioner, who apprehends arrest for the alleged offences under Sections 147,148, 294(b), 323, 324 and 506(ii) of I.P.C, in Crime No.19 of 2021, on the file of the respondent/Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are close relatives. It is alleged that due to

family dispute there was a wordy quarrel among them and the petitioners attacked the defacto complainant with iron rod. Due to which he sustained injuries. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the the petitioners attacked the defacto complainant with iron rod thereby he sustained injuries. Hence, he opposed to grant of bail to the petitioner.

5. Considering the facts and circumstances of the case and also of the fact that due to family dispute between the parties, in wordy quarrel the occurrence has taken place, this Court is inclined to grant anticipatory bail to the petitioner with some conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court, Denkanikottai 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 daily for a period of two weeks 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229 A IPC.

With the above directions this Criminal Original petition is ordered.

-sd/-  
11/02/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,  
DENKANIKOTTAI.

2 THE CHIEF JUDICIAL MAGISTRATE  
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,  
THALLY POLICE STATION,  
KRISHNAGIRI DISTRICT.

+1 CC to M/S.S.N.ARUN KUMAR Advocate on payment of necessary charges SR.NO.1453

CRL OP.2352/2021

Date :11/02/2021

TA-12/02/2021

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