



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Nineteenth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.14857 of 2021

1 ABDUL RAFEEL
2 MOHAMED USSAIN
3 YASMIN
4 MOHAMED IMRAN
5 A.ABDUL NASAR
6 RAJABEGAM

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
KATTUMANNARKOIL POLICE STATION,
KATTUMANNARKOIL,
CUDDALORE DISTRICT.
CR NO.469/2021

[RESPONDENT]

For Petitioner : M/S.I.ABRAR MOHAMED ABDULLAH Advocate

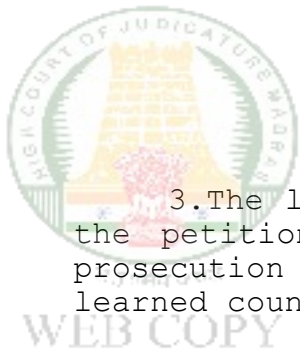
For Respondent : MR. A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 324, 427, 448 and 506(ii) IPC r/w Section 3 of TN Public Property (Prevention of Damage and Loss) Act, 1992, in Cr.No.469 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute, the petitioners had trespassed the land of the defacto complainant and entered with wordy quarrel with the defacto complainant and her mother. Thereby the petitioners abused them in filthy language and alleged to have beaten the defacto complainant and her mother. Hence this complaint was lodged by the defacto complainant.



3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they are falsely implicated in this case. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) submits that injured persons have been treated as out-patient in the hospital and further there is no previous case pending against the petitioners.

5. Considering the fact that the injured has been treated as out patient in the hospital and there is also no previous case against the petitioners, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the District Munsif cum Judicial Magistrate, Kattumannarkoil, 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners 1, 2, 4 and 5 shall report before the respondent police daily at 10.30 a.m. until further orders and the petitioners 3 and 6 shall report before the respondent police as and when required;

(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/-
19/08/2021

WEB COPY

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KATTUMANNARKOIL.

2 THE CHIEF JUDICIAL MAGISTRATE,
CUDDALORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
KATTUMANNARKOIL POLICE STATION,
KATTUMANNARKOIL,
CUDDALORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.I.ABRAR MOHAMED ABDULLAH Advocate on payment of
necessary charges SR.NO.8819

CRL OP.14857/2021

Date :19/08/2021

INBA 26/08/2021