



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of August Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15329 of 2021

SYED ANWAR JAMAL

[PETITIONER / ACCUSED]

Vs

STATE REP BY
B1 NORTH BEACH POLICE STATION,
CHENNAI
CRIME NO. 923 OF 2021.

[RESPONDENT]

For Petitioner : M/S.M.MOHAMED RIYAZ 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 petitioner, who apprehend arrest for the alleged offence punishable under Sections 147, 148, 294(b), 324 and 506(ii) of IPC in Crime No.923 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to the breach of the orders passed by the High Court by the petitioner there was a dispute between the petitioner and the defacto complainant, due to which, the defacto complainant gave complaint at the police station. On the date of occurrence, the petitioner along with the other accused persons attacked the defacto complainant with stone. Thereby, the defacto complainant had sustained injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that this was a case in counter. He further submits



that this is the first anticipatory bail application filed before this Hon'ble Court. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that due to attack by the petitioner on the defacto complainant, the present complaint has been filed. He further submits that the injured has been discharged from the hospital. However, he vehemently opposed for grant of anticipatory bail to these petitioner.

5. Considering the fact that the injured has discharged from the hospital and there was a case in counter, this court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is 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 Hon'ble VII Metropolitan Magistrate, George Town, Chennai on condition that each of 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 shall report before the respondent police daily at 10.30 a.m 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]; and;



(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-
26/08/2021

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 METROPOLITAN MAGISTRATE,
NO.VII, GEORGE TOWN, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 B1 NORTH BEACH POLICE STATION,
CHENNAI.

+1 CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.NO.9132

CRL OP.15329/2021

Date :26/08/2021

RW 13/09/2021