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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Third day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.15975 of 2021

1 FAHATH
2 MOHAMED AYUB

[PETITIONERS / ACCUSED]

Vs

THE STATE REB BY,
THE SUB INSPECTOR OF POLICE,
N-3, MUTHIALPET POLICE STATION,
CHENNAI-600 001.
(REF: CRIME NO. 903 OF 2021)

[RESPONDENT]

For Petitioner : M/S. H.THAMEEN ANSARI 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 for the alleged offence punishable under Sections 341, 324, 506(ii) IPC in Crime No.903 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the the defacto complainant had illegal intimacy with A1 wife, due to which, A1 along with others/petitioners herein have joined together and attacked the defacto complainant and also threatened him with dire consequences. Thereby, the defacto complainant had sustained injuries. Hence, the complaint.



3.The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that the first accused enlarged on bail by the XVI Metropolitan Magistrate Court, George Town, Chennai vide order dated 24.08.2021 in CrI.MP.No.6614 of 2021. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (CrI.Side) submits that the injured has been discharged from the hospital.

5.Considering the fact that the injured has been discharged from the hospital and the submissions made by both counsel, 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 learned XVI Metropolitan Magistrate Court, George Town, Chennai on condition that each of the petitioners shall execute separate bonds 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.

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-sd/-
03/09/2021

This order, on being produced, be punctually observed and carried into execution by all concerned
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Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.XVI, GEORGE TOWN, CHENNAI.

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

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
N-3, MUTHIALPET POLICE STATION,
CHENNAI-600 001.

+2 CC to M/S. H.THAMEEN ANSARI Advocate on payment of necessary charges SR.NO.9557

CRL OP.15975/2021

Date :03/09/2021

RW 23/09/2021