



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Seventh day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18956 of 2021

1 BASULLA [PETITIONERS / ACCUSED]
2 MUHAMATHU RAFIC
3 KAIRUNNISA
4 THARABEGAM
5 SAMSHATH
6 AKBAR @ KAKKA
7 GIYADEEN

Vs

THE STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
THANIPADI POLICE STATION,
THANIPADI,
TIRUVANNAMALAI DISTRICT.
CRIME NO.690 OF 2021.

For Petitioner : M/S. B.JAWAHAR 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 U/s. 147, 148, 294(b), 323, 324, 506(ii) I.P.C, in Crime No.690 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are neighbouring land owners. There was a civil dispute between the petitioners and the defacto complainant. Due to which the petitioners attacked the defacto complainant using wooden log. Thereby the defacto complainant sustained injuries. Hence the complaint was registered by the Law Enforcing Agency.

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



4.The learned Government Advocate (Crl.Side) submits that the injured discharged from the hospital. However, he opposed grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering that the injured person discharged from the hospital, 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 **Judicial Magistrate, Thandarampattu** on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), 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 shall affix his 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.

-sd/-

07/10/2021

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,
THANDARAMPATTUR.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVANNAMALAI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THANIPADI POLICE STATION,
THANIPADI,
TIRUVANNAMALAI DISTRICT.

+1 CC to M/S. B.JAWAHAR Advocate on payment of necessary charges SR.NO.11308

CRL OP.18956/2021

Date :07/10/2021

TA-25/10/2021