



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

Thursday, the Eleventh day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI
CRIMINAL ORIGINAL PETITION No.21151 of 2021

1 MUSRAF @ ABDUL RAHUMAN
2 RIYAS @ IZAZ AHAMED

[PETITIONERS / ACCUSED]

Vs

[RESPONDENT]

THE STATE REP BY
THE INSPECTOR OF POLICE,
THADAGAM POLICE STATION,
COIMBATORE DISTRICT
CR NO. 317/2021

For Petitioner : M/S.U.GOKULAKRISHNAN Advocate

For Respondent : MR. N.S.SUGANTHAN, Govt. Advocate (CrI. 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 under Section 323, 324, 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, 2002 in Cr.No.317 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners along with other accused person went to the house of defacto complainant and abused him in filthy language and attacked the defacto complainant and his son with iron rod and in the said attack, defacto complainant and his son sustained simple injuries. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that the petitioners have not been committed any offence as alleged by the prosecution and the defacto complainant and his son had sustained only simple injuries. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submits that injured person has been treated as out patient and discharged from the hospital and there are no previous cases pending against the petitioners.



5. Considering the fact that the injured has been discharged from the hospital and that there are no previous cases pending against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

WEB COPY

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 Court No-I, Coimbatore 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 shall report before the respondent police on every Friday at 10.30 a.m. for a period of four 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/-

11/11/2021

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,
NO.I, COIMBATORE

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE.(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
THADAGAM POLICE STATION,
COIMBATORE DISTRICT

CC to M/S.U.GOKULAKRISHNAN Advocate on payment of necessary
charges Sr.12632

CRL OP.21151/2021

Date :11/11/2021

RVR 17/11/2021