



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.21463 of 2021

MOHAMMED RAFIQ

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.
(CRIME NO.173/2020)

[RESPONDENT]

For Petitioner : M/S.N.PALANIVEL Advocate

For Respondent : M/S.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest for the offences under Sections 294(b), 323 and 506 (i) IPC in Crime No.173 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, there was a wordy quarrel between the petitioner and the de-facto complainant with regard to inflow of rain water from the petitioner's house, due to that, there was an assault between the petitioner and de-facto complainant, therefore de-facto complainant sustained injuries, for which, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and there was a previous enmity between the petitioner and de-facto complainant, de-facto complainant lodged a false complaint against the petitioner.

4. The learned Government Advocate (Crl.side) would submit that, there was wordy quarrel between the petitioner and de-facto complainant, due to that de-facto complainant sustained injuries.



5. Considering the nature of allegation, the investigation is almost completed, this Court 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Tiruthuraipoondi**, on condition that the petitioner 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) **the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
16/11/2021

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,
TIRUTHURAIPOONDI, THIRUVURUR.



2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
TIRUVARUR DISTRICT.

+1 CC to M/S N.PALANIVEL Advocate on payment of necessary
charges SR.NO.12904

CRL OP.21463/2021

Date :16/11/2021

TA-19/11/2021