



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.23682 of 2021

Rahamathulla

... Petitioner

Vs.

The State Rep.by
The Inspector of Police,
Podhanur Police Station,
Coimbatore District.
(Crime No.1246 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event of his arrest in crime No.1246 of 2021, on the file of the respondent police.

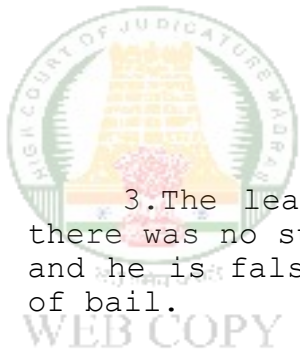
For Petitioners : Mr.W.Camyles Gandhi

For Respondent : Mr.N.S.Suganthan
Government Advocate

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 147, 294(b), 324 IPC and later altered in to Section 147, 294(b), 324 and 506(ii) of IPC in Crime No.1246 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on the date of occurrence, the defacto complainant stand near his auto at the outside of his house, at that time, three unknown persons came there in their vehicle in a rash and negligent manner, the defacto complainant told them to drive slow, due to which, the petitioner along with others attacked the defacto complainant with iron rod and abused him with filthy languages and sustained injuries . Hence, the complainant.



3.The learned counsel appearing for the petitioner submits that there was no such occurrence taken place as alleged by the prosecution and he is falsely implicated in this case. Hence, he prays for grant of bail.

4.The learned Government Advocate (Crl side) on instructions submits that there is no previous case as against the petitioner and he further submits that the A2 and A3 are still absconding. Hence, he vehemently opposed the grant of bail.

5. Considering the submissions made by both counsel and also considering that there is no previous case as against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 learned District-Munsif-Cum-Judicial Magistrate Mathukarai, 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner is directed to report before the respondent police on every Tuesday and Saturday at 10.30 a.m., until further orders and cooperate for the investigation without absent;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner shall not abscond either during investigation or trial;

[f] 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 has 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];



[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

-sd/-
13/12/2021

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, MATHUKARAI.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
PODHANUR POLICE STATION,
COIMBATORE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.W.CAMYLES GANDHI Advocate on payment of necessary charges SR.NO.14569

CRL OP.23682/2021

Date :13/12/2021

JPA 27/12/2021