



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/01/2021

WEB COPY

PRESENT

The Hon'ble Mr. Justice M. NIRMAL KUMAR

CRL OP(MD) No.900 of 2021

1. Muzammil Ahamed
2. Saibu Alikhan
3. Kalanthar Segu Bathusha ... Petitioners/Accused No.1 to 3

Vs

The State rep. by
The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
Crime No. 25 of 2021. ... Respondent/Complainant

For Petitioners: Mr. G. R. Satish,
Advocate.

For Respondent : Mr. M. V. Chandrasekaran,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

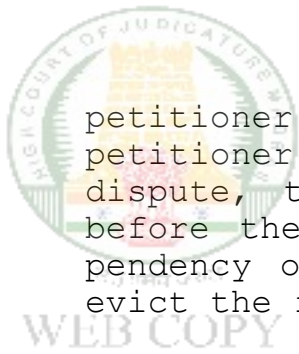
For Anticipatory Bail in Crime No. 25 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323 and 506(ii) IPC in Crime No. 25 of 2021 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there is a tenancy dispute between the first petitioner and the owner of the mall and therefore, the defacto complainant, who is working as Security Guard in the said mall, prevented the first petitioner from entering into the mall and hence, the accused persons attacked the defacto complainant. Hence, the present complaint.

3. The learned counsel appearing for the petitioners submitted that the first petitioner is running a shop in mall and the second



petitioner is the employee of the first petitioner and the third petitioner is the customer of the first petitioner. Due to civil dispute, the first petitioner filed a suit in O.S.No.85 of 2020 before the learned District Munsif Court, Ramanathapuram. During pendency of the above said suit, the owner of the mall trying to evict the first petitioner.

4.The learned Government Advocate (Criminal Side), appearing for the respondent police submitted that the investigation is pending.

5.Considering the above facts and circumstances of the case and considering the fact that it is civil dispute, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.At this juncture, the learned counsel appearing for the petitioners would pray to allow the first petitioner to produce cash surety since he is residing at Chennai.

7.In view of the above, the first petitioner shall deposit a sum of Rs.10,000/- as cash surety and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate II, Ramanathapuram on condition that the petitioners 2 & 3 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 to 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall appear before the respondent Police 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

27/01/2021

WEB COPY

/ TRUE COPY /

/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.900 of 2021

Date :27/01/2021

GNS

SRS/KV/SAR-I/03.02.2021/3P/5C