



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 18/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4219 of 2021

- 1.Mohamed Ithirish @ Mohamed Ithrees
(Wrongly Mentioned as Mohamed Ithirish
in FIR Instead of Mohamed Ithrees)
- 2.Annal Mohamed
- 3.Batcha @ Sikkandar Badsha
(Wrongly Mentioned as Batcha in FIR
Instead of Sikkandar Badsha)
- 4.Seethakathi @ Mohamed Seethakkathi
(Wrongly Mentioned as Seethakathi
in FIR Instead of Mohamed Seethakkathi)
- 5.Mohamed Sahajhan @ Mohamed Shajahan
- 6.Sheik Abdullah
- 7.Jailani @ Jailani Beevi
(Wrongly Mentioned as Jailani in FIR
Instead of Jailani Beevi)
- 8.Bharakath Beevi @ Pharakath Beevi
(Wrongly Mentioned as Bharakath Beevi
in FIR Instead of Pharakath Beevi)
- 9.Jamal @ Jamal Mohamed
(Wrongly Mentioned as Jamal in FIR
Instead of Jamal Mohamed)
- 10.Sambath @ Noor Mohamed

Vs

... Petitioners/Accused

The State rep.by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
Crime No.89/2021.

... Respondent/Complainant



For Petitioners : Mr.R.Karunanidhi,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 89 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, seek anticipatory bail.

2.The case of the prosecution is that due to property dispute between the petitioners and the de-facto complainant, on the date of occurrence, there was a wordy quarrel arose between them, the petitioners are said to have attacked the de-facto complainant and others by using wooden log and also caused injuries. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that it is a counter case and both of them attacked each other. He would further submit that the injured persons were also discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that it is a counter case and the injured were also discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or 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, Kadaladi, Ramanathapuram District on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (common 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

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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 report 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
18/03/2021

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/ /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, KADALADI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.4219 of 2021
Date : 18/03/2021

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