



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

Wednesday, the Twenty Eighth day of April Two Thousand and Twenty
One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5421 of 2021

1. Abdul Hasim @ Moohamed Hasim

2. Ganesan ... Petitioners/Accused Nos.2 & 5

Vs

State Rep.by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District,
Crime No.237 of 2021. ... Respondent/Complainant

For Petitioners : Mr.Ashok.J.,
Advocate.

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

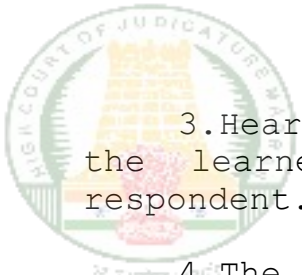
PETITION FOR **ANTICIPATORY BAIL** Under Sec.438 of Cr.P.C
PRAYER :-

To Anticipatory Bail in Crime No.237 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 alleged offences punishable under Sections
147, 435, 506(i) of IPC., & Section 4 of TNPWH Act 2002, in Crime
No.237 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 06.04.2021, the
defacto complainant's husband called and informed that he was
implicated in a case related to distribution of money to the voters,
subsequently at about 14.00 hrs, the first petitioner and four named
persons came to the house of the defacto complainant, scolded her
with dire consequences and set ablaze the two wheeler, bearing
Registration No.TN-96-A-5558. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent.

4. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have falsely implicated in this case. He further submitted that due to election rivalry, the case has been registered. Hence, they seek anticipatory bail.

5. The learned Government Advocate (Crl.side) submitted that due to political rival motive, the petitioners set fire to the motor cycle bearing Registration No.TN-96-A-5558.

6. It is seen from the submissions made that due to political rivalry, there was a dispute between the petitioners and the defacto complainant and the petitioners set fire to the motor cycle bearing Registration No.TN-96-A-5558. Considering the facts and circumstances of the case and the fact that the co-accused have been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

7. Accordingly, the petitioners shall jointly deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.237 of 2021 on the file of the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District and on such deposit, 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 No.1, Kovilpatti, Thoothukudi 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 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:

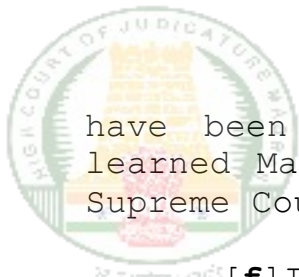
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioners shall report before respondent police, daily at 10.30 a.m., until further orders;

[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]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/04/2021

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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.I, KOVILPATTI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ASHOK.J. Advocate SR.No.3533

ORDER

IN

CRL OP(MD) No.5421 of 2021

Date :28/04/2021

SM

CSL/05.05.2021 :3P/6C