



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/04/2021

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PRESENT

The Hon`ble **Mr.Justice G.CHANDRASEKHARAN**

CRL OP(MD) . No.5869 of 2021

1. Salman Fahath,
2. Jennath Thaga,
3. Abdullah @ Abdullh Buhari ... Petitioners/Accused Nos. 1 to 3

Vs

State Represented by
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District
Cr.No.76 of 2021.

... Respondent/Complainant

For Petitioners : M/s.Nallathambi.D.,
Advocate.

For Respondent : Mr.R.Erottuchamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.76 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294 (b), 323 and 506 (i) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.76 of 2021 on the file of the respondent police, the petitioners have come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate (Criminal Side) for the respondent police.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and the petitioners have been falsely implicated in the present case and hence, they seek anticipatory bail.



4. The learned Government Advocate (criminal side), on instructions, submitted that the injured has been discharged from the hospital.

5. It is seen from the submissions made that on 22.10.2020, at about 03.00 p.m., there was a wordy quarrel between the petitioners and the defacto complainant and the petitioners said to have abused the defacto complainant in filthy language and attacked her brutally in front of her house. Due to which, the defacto complainant suffered injury. Hence, the complaint.

6. Considering the facts and circumstances of the case and the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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, Additional Mahila Court, Ramanathapuram, and on their executing 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 learned Magistrate concerned and on further conditions 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 cards or Bank pass Books to ensure their identity;

(b) the petitioners shall report before the 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]**; and

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

26.04.2021

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/ /2021



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, ADDITIONAL MAHILA COURT,
RAMANATHAPURAM.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT
3. THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.D.NALLATHAMBI, Advocate (SR-3417[I] dated 27/04/2021)

ORDER
IN
CRL OP(MD) No.5869 of 2021
Date:26/04/2021

VB VR SAR IV(03/05/2021) 3P / 6c