



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

Date : 26/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5892 of 2021

WEB COPY

1. Mohamed Maraikka @ Mohamed Maraikayar,
 2. Noor Mohamed,
 3. Mohamed Khan
- ... Petitioners/Accused No.2,3,&5

Vs

The Inspector of Police,
Kottapattinam Police Station,
Kottaipattinam, Pudukkottai District ,
Cr No.112/2021.

... Respondent/Complainant

For Petitioner : M/s.Vishnuvarthanan.P,M.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 112 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, 148, 294(b), 323, 324 & 506(ii) IPC in Crime No.112 of 2021,
seek anticipatory bail.

2.The case of the prosecution is that there is a dispute
between the defacto complainant and the accused persons with regard
to the usage of pathway. On 14.04.2021, the defacto complainant
locked the pathway, due to that,the accused persons abused the
defacto complainant and also attacked him with wooden log. Hence,
the complaint.

3.The learned counsel for the petitioners submitted that the
petitioners are innocent persons and the defacto complainant was the
responsible for the occurrence and the present complaint has been
given by exaggerating the events. Therefore, he prays for
anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) submitted that the
injured person has been discharged from the hospital.



5. Considering the fact that the injured person has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, 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 Court, Aranthangi 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 am., 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/-
26.04.2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

GNS

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 COURT,
ARANTHANGI.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3. THE INSPECTOR OF POLICE,
KOTTAPATTINAM POLICE STATION,
KOTTAIPATTINAM,
PUDUKKOTTAI DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.P.M.VISHNUVARTHANAN, Advocate (SR-3430[I] dated
27/04/2021)

ORDER
IN
CRL OP(MD) No.5892 of 2021
Date : 26/04/2021

VB SKN SAR I (04/05/2021) 3P / 6c