



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.5913 of 2021

1. Aboobuckar
2. Satham Hussain

... Petitioners/Accused Nos.1 & 2

Vs

State Rep. By its
The Inspector of Police,
Jagadhampattinam Police Station,
Pudukottai District.

(Crime No. Not Known/2021) ... Respondent/Complainant

For Petitioner : Mr.Vijaya Baskar N,
Advocate.

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

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

PRAYER :-

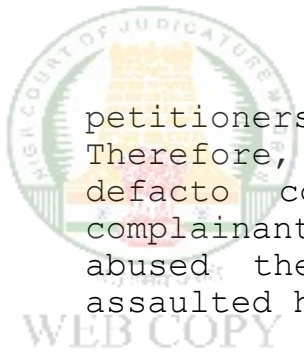
For Anticipatory Bail in Crime No. of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b) and 324 I.P.C. in Crime No. 58 of 2021 on the file of the respondent police, seek anticipatory bail.

2.It is seen from the submission that the defacto complainant is the brother of the petitioners' father. The allegation against the

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petitioners is that they are not providing food to their father. Therefore, the father Ahamed Gani complained to his brother, the defacto complainant. When it was questioned by the defacto complainant and he provided food to his brother, the petitioners abused the defacto complainant with filthy language and also assaulted him. Hence, the present case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents. They have not committed any such offence as alleged by the respondent police. Therefore, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that the injured was discharged from the hospital.

5.Heard the learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the respondent police.

6.Considering the nature of injury and the fact that the injured person has been discharged from the hospital and also the fact that the petitioners are close relative, 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 Judicial Magistrate Court, Aranthangi on condition that the petitioners shall execute a bond for a sum of 10,000/- (Rupees ten thousand only) each with two sureties each for a like sum to the satisfaction of the said Magistrate and on further condition that:

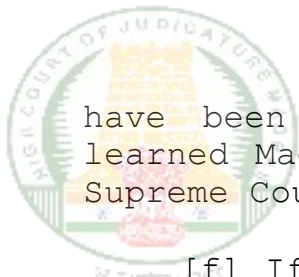
[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter 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]**.

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

sd/-
26/04/2021

/ 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,
ARANTHANGI.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
JAGADHAMPATTINAM POLICE STATION,
PUDUKKOTTAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.G.SREE NISHA, Advocate SR.No.3418

ORDER
IN
CRL OP(MD) No.5913 of 2021
Date :26/04/2021

AMS/VR/SAR-1/04/05/2021/3P/6C

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