



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

Date : 25/06/2021

PRESENT:

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD) . No.8069 of 2021

1. Faizal
2. Sabeer @ Mohamed Sabeer
3. Afsal @ Afsal Ahamed ... Petitioners/Accused 1 to 3

Vs

State rep. by
The Inspector of Police,
Aranthangi Police Station,
Pudukottai District.
Cr.No.758/2021. ... Respondent/Complainant

For Petitioners : Mr.D.Venkatesh,
Advocate.

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

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

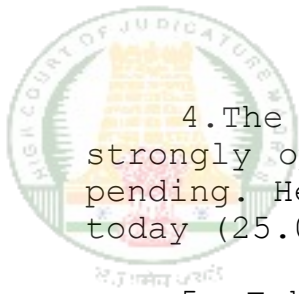
PRAYER:-For Anticipatory Bail in Cr.No.758 of 2021 on the file of the respondent police.

ORDER: The Court made the following order:-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 324 & 307 of IPC, in Crime No.758 of 2021, seek anticipatory bail.

2. The case of the prosecution is that due to the dispute relating to payment of salary to the de facto complainant, there was a quarrel between the de facto complainant and the first petitioner/Faizal through phone two days prior to the incident. On 14.06.2021, at about 12:00 A.M., the de facto complainant was sleeping near Anthoniyar Church. The accused headed by the first petitioner / Faizal came there and attacked him with Aruval, beer bottle and wooden log. Therefore, this case came to be registered.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case.



4.The learned Government Advocate (Crl.side) for the respondent strongly opposed this petition on the ground that investigation is pending. He further submitted that A1/ first petitioner was arrested today (25.06.2021)

5. Taking into account of the fact that A1 was arrested today, the fact that the injured has been discharged from the hospital and also the fact that A4 and A6 have been granted bail by the lower Court, this Court is inclined to grant anticipatory bail to the petitioners / A2 and A3 herein with certain conditions.

6.Accordingly, the petitioners / A2 and A3 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, Aranthangi on condition that the petitioners/ A2 and A3 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 /A2 and A3 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 /A2 and A3 shall report before the respondent police, daily at 10.30 a.m., until further orders;

[c]the petitioners /A2 and A3 shall not tamper with evidence or witness either during investigation or trial;

[d]the petitioners /A2 and A3 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 A2 and A3 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]**;

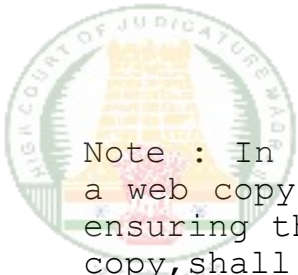
[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

[g] With regard to the first petitioner/ A-1 the petition stands dismissed.

sd/-
25/06/2021

/ 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.

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- TO
1. THE JUDICIAL MAGISTRATE, ARANTHANGI.
 2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
PUDUKKOTTAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8069 of 2021
Date : 25/06/2021

STS
PK/MNR/SAR-2/30.06.2021 : 3P/5C