



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/06/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.8171 of 2021

1. Chikkander Batcha
2. Raja @ Sulthansyed Ibrahimsha ... Petitioners/Accused
No.2&3

Vs

The State Rep. by
The Inspector of Police,
Thiruppalaikudi Police Station,
Ramanathapuram District.
Crime No. 110 of 2021. ... Respondent/Complainant

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

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

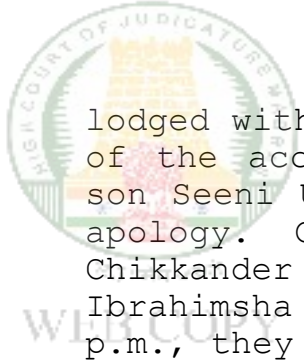
PRAYER :-

For Anticipatory Bail in Crime No.110 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 294(b), 323 and 506(ii) of IPC and Section 27(1) of the Arms Act, 1959 in Crime No.110 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 14.06.2021, at about 03.00 p.m., Ibrahimsha's son Abbas, Mohammed Farook's son Seeni Umakattha, Jamal's son Umar Farook, Abdulhak's son Siddiq, Mohammed Kabir's son Chikkander Batcha, Mohammed Kabir's son Raja @ Sulthansyed Ibrahimsha had unlawfully trespassed into the shop of one Abdul Ajees and caused damage to the properties. A complaint was



lodge with Muslim Jamath. On 17.06.2021, at about 07.30 p.m., three of the accused, namely, Ibrahimsha's son Abbas, Mohammed Farook's son Seeni Umarkattha, Jamal's son Umar Farook, expressed regret and apology. Others namely, Abdulhak's son Siddiq, Mohammed Kabir's son Chikkander Batcha, Mohammed Kabir's son Raja @ Sulthansyed Ibrahimsha refused to apologize. On the same day, at about 08.00 p.m., they came in three motorecycles with deadly weapons to mosque. When they were questioned by the Jamadh Manager Kayidhemillath, all the three attacked him with iron rod. When the defacto complainant and others tried to help Kayidhemillath, the accused tried to attack them also with sword. Therefore, this case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. Therefore, they seek anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed. He further submitted that the injured has been discharged from the hospital.

5.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.

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 No.I, Ramanathapuram 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 conditions that:

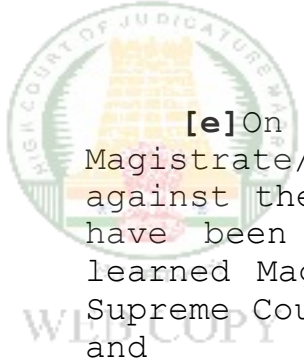
[a]the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b]the petitioners shall report before respondent police daily at 10.00 a.m., and 05.00 p.m., until further orders and Petition for relaxation of reporting before the respondent police should not be entertained for a period of two months.

[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;

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[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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
23/06/2021

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/ /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 No.I, RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
THIRUPPALAIKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8171 of 2021
Date :23/06/2021

SM
TE/AKM/SAR-II : 28/06/2021 : 3P/5C