



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.10614 of 2021

- 1.Shakeela
- 2.Jahangir @ Jaheer Hussain
- 3.Abdul Nazeer
- 4.Pandiyarajan @ Pepsi Pandi ... Petitioners/Accused

Vs

The Inspector of Police,
Sholavandan Police Station,
Madurai District.
In Crime No.278 of 2021,

... Respondent/Complainant

For Petitioners : Mr.M.Jothiramalingam

For Respondent : Mr.T.Senthilkumar
Government Advocate(Crl. side)

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

PRAYER :-

For Anticipatory Bail in Crime no.278 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, 427, 294(b), 323, 324 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.278 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 22.07.2021, the petitioners and other accused have assaulted the defacto complainant and also criminally intimidated him. Hence, the complaint.

3. The learned counsel for the petitioners submits that the petitioners and the defacto complainant are close relatives and they are having property dispute, for which, a civil suit is pending. He

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petitioners and the petitioners are infact the victims in this case. Further, there is a counter case registered against the defacto complainant.

4. Mr.Venkatesan, learned counsel appearing for the defacto complainant sought permission of this Court to intervene in this matter. He submitted that, on the date of occurrence, these petitioners along with five other accused had assaulted the defacto complainant and others. He further submitted that the victim is a practicing advocate. He obtained a civil court decree in his favour and aggrieved over the same, the petitioners have assaulted him.

4. The learned Government Advocate (Criminal Side), on instructions, would submit that the victim has been treated as out patient.

5. Considering the fact that civil dispute is pending between the parties and that victim has been treated as out patient and the major offence is under Section 506(2) of IPC, this Court is inclined to grant anticipatory bail to the petitioners and hence, this petition is allowed.

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 Judicial Magistrate Court, Vadipatti, Madurai 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 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 as and when required, until further orders.

[c]the petitioners shall not tamper with the 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/-
09/08/2021

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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 Court,
Vadipatti, Madurai District.
- 2.Do-Through The Chief Judicial Magistrate Court,
Madurai District.
- 3.The Inspector of Police,
Sholavandan Police Station,
Madurai District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER
IN
CRL OP(MD) No.10614 of 2021

Date : 09.08.2021

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