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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11990 of 2021

1. Mohamed Aasic @ Ashick
2. Mohamed Asath @ Asath
3. Samsammal
4. Havua Beevi @ Avvai
5. Saitha Bhanu
6. Rishwan @ Riswan

... Petitioners/Accused
No.2 to 7

Vs

State rep.by
The Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.138/2021)

... Respondent/Complainant

For Petitioners : M/s.Anandha Padmanabhan., Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.R.Karunanithi, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.138 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, 341, 294(b), 324 and 307 of IPC in Crime No.138 of 2021, seek anticipatory bail.



2. The case of the prosecution is that due to civil dispute, the petitioners attacked the defacto complainant's father with sickle. Therefore, the present case came to be registered.

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3. The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that there is a civil dispute pending between the parties.

4. The learned Government Advocate (Crl. side) appearing for the respondent police submitted that two persons have been injured in this case and both of them have been discharged from the hospital. He further submitted that the petitioner Nos. 1, 2 and 4 are having one previous case, the petitioner Nos. 3 and 6 are having two previous cases and there is no previous case pending against the fifth petitioner.

5. However, the learned counsel appearing for the petitioners would submit that all those previous cases arise out of the same issue.

6. The learned counsel appearing for the intervenor would submit that these petitioners are repeatedly attacking the defacto complainant and his family members.

7. At this juncture, the learned counsel appearing for the petitioners would submit that the petitioners have agreed to stay away from the place of the occurrence.

8. Considering the facts and circumstances of the case, the nature of allegations against the petitioners and also the fact that the victims have been discharged from the hospital and that the petitioners have agreed to stay away from the place of occurrence, this Court is inclined to grant anticipatory bail to the petitioners.

9. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Kadaladi, Ramanathapuram District, on condition that the petitioners shall execute a bond for a sum of Rs. 25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;



(b) the petitioner Nos.1, 2 and 6 shall stay at Chennai and report before the Triplicane police Station daily at 10.30 a.m., until further orders. The petitioner Nos.3 to 5 shall report before the respondent Police as and when required.

(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]**; and;

(f) if the accused/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
05/10/2021

/ TRUE COPY /

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

ssb

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,
<https://hcservices.ecourts.gov.in/hcservices/>
KADALADI, RAMANATHAPURAM DISTRICT.



2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

COPY TO:

THE INSPECTOR OF POLICE,
TRIPLICANE POLICE STATION, CHENNAI.

ORDER
IN
CRL OP (MD) No.11990 of 2021
Date :05/10/2021

SP/VR/SAR /25/10/2021/2P/6C