



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

Date : 16/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.11496 of 2021

WEB COPY

1.Jigar Ali @ Jihar Ali

2.Thalik Raja @ Thariq Raja

3.Samsul Sudha @Samsul Kudha

... Petitioners/Accused Nos.1, 2 & 4

Vs

The Sub Inspector of Police,
Inamkulathur Police Station
Trichy District
Crime No.185 of 2021

... Respondent/Complainant

For Petitioners : M/s.Anandakumar N,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.185 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1, A2 & A4 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 324 & 506(ii) I.P.C in Crime No.185 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners and the defacto complainant are family members. Due to the dispute with regard to sharing of properties between themselves, the petitioners went to the defacto complainant's shop, assaulted him and his family members. Hence, the complaint.

3.The learned counsel for the petitioners would submit that due to property dispute, the defacto complainant has assaulted the petitioners, for which, the first petitioner lodged a complaint against the defacto complainant and FIR came to be registered in Crime No.186 of 2021 for the offence under Sections 294(b), 324 and 506(ii) I.P.C. He would further submit that the petitioners are



innocents, they have not committed any offence as alleged by the prosecution, but they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the injured has been discharged from the hospital.

5.Considering the facts and circumstances of the case, the fact that it is purely a civil dispute between the family members, a counter case has been registered and also the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. 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 No.V, Trichy, 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 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 petitioners shall report before the respondent police daily at 10.30.m 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]**; and;

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

sd/-

16/08/2021

/ TRUE COPY /

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



MSA

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

ORDER IN
CRL OP(MD) No.11496 of 2021
Date : 16/08/2021

TR/JC/SAR-I (27.08.2021) 3P 5C