



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

Date : 24.08.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD)No.11552 of 2021

WEB COPY

1. Jafriya,
2. Noor Mohammed,
3. Arif, ... Petitioners/Accused(Rank Not Known)

Vs

State rep by
The Inspector of Police,
Airport Police Station,
Trichy District
(Crime No.335 of 2021). ... Respondent/Complainant

For Petitioner : M/s.Lenin Kumar.T,
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 Cr.No.335 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 offence punishable under Sections
294(b), 323, 324 and 506(ii) IPC in Crime No.390 of 2021, seek
anticipatory bail.

2.The case of the prosecution is that on 10.08.2021 the
petitioners along with other unknown persons came to the defacto
complainant's house, abused and attacked the defacto complainant
with hands and wooden logs that her son attacked the first
petitioner's son. Hence the complaint.

3.The learned counsel for the petitioners submits that the
petitioners have not indulged in any offence as alleged by the
prosecution and they are innocents and due to the complaint lodged
against the defacto complainant, this complaint has been foisted
against the petitioners as a counter case.



4.The learned Government Advocate (Crl Side) appearing for the respondent police submitted it is dispute between the neighbours and it is a case in counter.

5.Considering facts and circumstance of the case, the nature of allegations levelled against the petitioners and the fact that it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this criminal original petition is allowed and 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.VI, 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 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 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]**.

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

sd/-
24/08/2021

/ TRUE COPY /

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

dsk



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

ORDER

IN

CRL OP(MD)No.11552 of 2021

Date : 24.08.2021

TR/VR/SAR-IV(27.08.2021) 3P 5C