



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/09/2021
PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.14596 of 2021

Mubarak Chanbacha @ Mubarak ... Petitioner/Accused No.1
Vs

The State rep.by
The Inspector of Police,
Swamy Malai Police Station,
Thanjavur District.
(In Crime No.165/2021). ... Respondent/Complainant

For Petitioner : Mr.G.ASHOK KUMAR,
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.165 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent Police for the offence punishable under Sections 294(b) and 506(ii) IPC, in Crime No.165 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that there is a land dispute between the defacto complainant and A1's uncle. In the month of February 2021, the said dispute has been sorted out by the village elders. Therefore, the defacto complainant attempted to put up a compound wall, for which, on 13.02.2021, the petitioner came there along with his Advocate and started digging the ground for putting fencing. When the defacto complainant refused the same, the petitioner abused her and also threatened her with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed. He further submits that the petitioner is not having any previous case.



5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and also the fact that no one has been injured in this case, this Court is inclined to grant anticipatory bail to the petitioner.

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6. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed to be released on bail in the event of arrest or on his appearance, within a period of three weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Kumbakonam, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only), with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a] the petitioner 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 petitioner shall report before the respondent Police daily at 10.30 a.m. until further orders;

[c] the petitioner shall not tamper with the evidence or witness either during investigation or trial;

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner was 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

29/09/2021

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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.II
KUMBKONAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3. THE INSPECTOR OF POLICE,
SWAMY MALAI POLICE STATION,
THANJAVUR DISTRICT.

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

+1 cc to Mr.G.ASHOK KUMAR, Advocate, SR.No:6716

ORDER

IN

CRL OP(MD) No.14596 of 2021

Date :29/09/2021

SA/SKN/SAR.4/04.10.2021/3P/6C