



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

Date : 20/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15609 of 2021

WEB COPY

- 1.A.Mohamed Riyaz @ Mohamed Abdul Riyaz, .1st Petitioner/Accused No.1
- 2.Kursith Begum,
- 3.Thoushif ... Petitioners / Rank not known

Vs

State Rep. by
The Inspector of Police,
Karur Town Police Station,
Karur District.

(Crime No. 1505 of 2021). ... Respondent / Complainant

For Petitioners : Ms.P.Yasmin Begum,
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. 1505 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 324, 448 and 506(ii) I.P.C, in Crime No.1505 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the second petitioner is the wife of the first petitioner and third petitioner is their son. Due to property dispute between the petitioners and the defacto complainant, the petitioners assaulted the defacto complainant and caused injury. Hence, the complaint.

3.The learned counsel for the petitioners submits that due to civil dispute, the defacto complainant has also threatened and assaulted the petitioners, for which, a counter complaint has been lodged and the same was registered in Cr.No.1504 of 2021 for the offence under Sections 147, 294(b), 323, 341, 427 and 506(ii) I.P.C against the defacto complainant and others. She further submits that the petitioners are innocents and they have not committed any



offence as alleged by the prosecution. Hence, she sought for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that it is a case of case in counter. On the date of occurrence, both side have suffered injuries and the victim has been discharged from the hospital.

5.Taking into consideration of the facts and circumstances of the case, the nature of allegation levelled as against the petitioners, the fact that it is a civil dispute, it is a case and counter case and the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.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.1, Karur, 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 petitioners shall report before the respondent police daily at 10.30 a.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/-
20/10/2021

/ TRUE COPY /



PNM/MSA

CRL OP(MD) . No.15609 of 2021

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.I,
KARUR.

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KARUR.

3.THE INSPECTOR OF POLICE,
KARUR TOWN POLICE STATION,
KARUR DISTRICT.

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

+1 CC to M/s.P.YASMIN BEGUM, Advocate (SR-7249[I] dated 20/10/2021)

ORDER IN
CRL OP(MD) No.15609 of 2021
Date :20/10/2021

SB/VR/SAR-IV/28.10.2021/3P/6C