



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 09/11/2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR
CRL OP(MD) . No.17241 of 2021

1.Asarutheen @ Azarudheen

2.Kamal Mustafa @ Kamal Musthafa ...Petitioners/Accused Nos.2 and 3

Vs

State represented by
The Inspector of Police,
Keelathooval Police Station,
Ramanathapuram District.
Crime No.225/2021.

... Respondent/Complainant

For Petitioners : Mr.Yasar Arafath.K,
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.225/2021 on the file of the
Respondent Police.

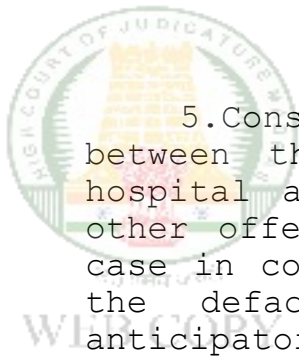
ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 and 3, who apprehend arrest at
the hands of the respondent police for the offences punishable under
Sections 294(b), 324, 323 and 506(ii) IPC, in Crime No. 225 of 2021,
seek anticipatory bail.

2.The case of the prosecution is that due to previous motive
between the petitioners and the defacto complainant, the petitioners
abused the defacto complainant with filthy language and also
attacked him and caused injuries. Hence the complaint.

3.The learned counsel for the petitioners would submit that the
petitioners are innocent persons and they have not committed any
offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that
there was a wordy quarrel between the parties and the injured was
also discharged from the hospital.



5.Considering the fact that there existed previous enmity between the parties, that the injured was discharged from the hospital and that except the offence under Section 506(ii) IPC., other offences are bailable in nature and also the fact that the case in counter case is registered in Crime No.226 of 2021 against the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of their 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, Mudhukulathur, 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation.

(c) the petitioners shall not tamper with 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

09/11/2021

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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



TO

1 THE JUDICIAL MAGISTRATE,
MUDHUKULATHUR, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE
KEELATHOOVAL POLICE STATION,
RAMANATHAPURAM DISTRICT

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

ORDER

IN

CRL OP(MD) No.17241 of 2021

Date :09/11/2021

das

SS/PN/SAR-II/12.11.2021 : 3P/5C