



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.17295 of 2021

Sahabdeen ... Petitioner/Accused No.1
Vs

The state represented by
The Inspector of Police,
Uthamapalayam Police Station,
Theni District.
Cr.No. 712 of 2021..

... Respondent/Complainant

For Petitioner : M/s.Guhan.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.712 of 2021 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/1st Accused, who apprehends arrest at the hands
of the respondent police for the offences punishable under Sections
147, 148, 294(b), 323 and 506 (I) IPC, in Crime No. 712 of 2021,
seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity,
the petitioner and other accused threatened the defacto complainant
by scolding filthy language and also attacked him. Hence, the
complaint.

3.The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has not committed any
offence as alleged by the prosecution. He would also submit that the
petitioner is not having any previous case.



4.The learned Government Advocate(Crl.Side) would submit that there was a family dispute between the parties and no one was injured.

5.Considering the nature of the charges levelled against the petitioner and also the fact that no one was injured in this case, that except the offence under Section 506(i) IPC, all other offences are bailable in nature and that the petitioner is not having any previous case for similar or serious offence as stated by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District, 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 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c)the petitioner shall not tamper with 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 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 concerned.

TO

1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM THENI DISTRICT

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.

3 THE INSPECTOR OF POLICE
UTHAMAPALAYAM POLICE STATION, THENI DISTRICT.

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

+1 CC to M/S.K.GUHAN, Advocate (SR-7921[I] dated 09/11/2021)

ORDER
IN
CRL OP(MD) No.17295 of 2021
Date :09/11/2021

das

SS/VR/SAR-III/12.11.2021 : 3P/6C