



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

Date : 15/11/2021

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.17699 of 2021

Mahateer Mohamed

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
Ariyamangalam Police Station,
Trichy District.
(Crime No.543 of 2021)

... Respondent/Complainant

For Petitioner : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side).

PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. 543 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323 IPC and Section 4 of Tamil Nadu Woman Harassment Act in Crime No.543 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that there was family dispute between the *defacto* complainant and first accused/petitioner, who is the husband of *defacto* complainant and due to that the accused persons had abused and assaulted the *defacto* complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is innocent and not committed any offence as alleged by the prosecution. Due to family dispute, a false case has been foisted against him and his family. Injured was discharged from the hospital. He would submit that the *defacto* complainant family members also assaulted the petitioner's mother. He would also submit that co-accused were already enlarged on bail and the petitioner is



not having any previous case and seek anticipatory bail to the petitioner.

4.The learned Government Advocate(Crl.Side) would submit that the petitioner is not having any previous case to his credit. Investigation is not yet completed. However, he would concede that injured was discharged from the hospital.

5.Considering the fact that there existed family dispute between the petitioner and the *defacto* complainant, who are the husband and wife, that the injured was discharged from the hospital, that the petitioner is not having any previous case for similar or serious offence, that except the offences under Section 4 of Tamil Nadu Woman Harassment Act, all other offences are bailable in nature and that the co-accused viz., second and third accused were enlarged on bail as per the order of the District & Sessions Court, Trichy, 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, Additional Mahila Court (Judicial Magistrate Level), Trichy, 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

<https://hcservices.courts.gov.in/hcservices/cases> 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/-
15/11/2021

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/ /2021

WEB COPY

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,
ADDITIONAL MAHILA COURT (JUDICIAL MAGISTRATE LEVEL),
TRICHY.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17699 of 2021
Date :15/11/2021

PNM
MS/PN/SAR-3/18.11.2021/3P.5C