



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Tuesday, the Eighth day of February Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice R. PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.2896 of 2022

1 MOHAMED ASAR @ AZHAR BAIG
2 IRFAN@IRFAN KHAN

[PETITIONERS / ACCUSED]

Vs

[RESPONDENT]

STATE REP BY
THE INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION,
THIRUPATHUR.
CRIME NO.30/2022

For Petitioner : M/S K.NIZAMUDDIN Advocate

For Respondent : MR. S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under sections 294(b), 323 and 506(i) of IPC, in Crime No.30 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that due to previous enmity, the petitioners joined with other accused had abused the defacto complainant and his friend in filthy language. Hence the defacto complainant lodged a complaint before the Law Enforcing Agency.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any such offences as alleged by the prosecution. He further submitted that they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the respondent submits that with regard to the alleged occurrence no one sustained injuries. He further submitted that there is no previous cases pending against the petitioners and also submitted that investigation almost completed. However, he opposed grant of anticipatory bail to the petitioners.



5. Heard both sides and perused the FIR placed on records.

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6. In view of the above submissions made by the learned Counsels appearing for either sides and also considering the fact that the offence committed by the petitioners are not severe and hence custodial interrogation may not be necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Additional District Munsif-Cum-Judicial Magistrate Court, Ambur on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned 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 on every 10.30 a.m., for a period of thirty(30) days and thereafter 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/-

08/02/2022

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This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL DISTRICT - CUM-
JUDICIAL MAGISTRATE COURT,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE DISTRICT (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
AMBUR TOWN POLICE STATION,
THIRUPATHUR.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S I. ABDUL BASITH Advocate on payment of necessary charges SR.NO.2103

CRL OP.2896/2022

Date :08/02/2022

INBA~16/02/2022