



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the First day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.4830 of 2022

1 V.M.ABUTHAKIR @ ABUTHAHIR [PETITIONERS / ACCUSED]
2 HARSATH @ MOHAMMED ARSATH
3 EESAK @ MOHAMED ISACK
4 AL-AMEEN @ AL AMEEN T H
5 CP.IBRAHIM
6 GATERING HAKKIM @ M I ABDUL HAKKEEM
7 RASUL @ THOHA RASOOL

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
B-4 UKKADAM POLICE STATION,
COIMBATORE.
(CRIME NO.41 OF 2022)

For Petitioner : M/S.A.RAJA MOHAMED 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 apprehend arrest by the respondent police for the offences punishable under Sections **(*)120B**, 147, 148, 294(b), 323, 324 and 506(ii) IPC in Crime.No.41 of 2022 are before this Court seeking anticipatory bail.

2. Due to election dispute, the petitioners have assaulted the defacto complainant using iron rod, thereby causing cut injury near his left eye.

3. The learned counsel appearing for the petitioners submits that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioners.



4. Learned Government Advocate (Crl.side) states that the defacto complainant was admitted in the hospital as inpatient and got discharged on 17.02.2022.

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5. Considering the above fact, this court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the *learned Judicial Magistrate III, Coimbatore* 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 learned Magistrate failing which the anticipatory bail shall stand canceled 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 Investigation Officer within seven days from the receipt of a copy of this order and continue to report daily at 10.30 a.m until for further orders 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 petitioners 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/-

01/03/2022

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.

[*] Amended as per order of this Court dated 26/04/2022 made in CRL.MP.NO.5580 OF 2022 in CRL.O.P.NO.4830 OF 2022.

TO

1 THE JUDICIAL MAGISTRATE,
NO.III, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
B-4 UKKADAM POLICE STATION,
COIMBATORE.

CC to M/S.A.RAJA MOHAMED Advocate on payment of necessary charges

CRL OP.4830/2022

Date :01/03/2022

TA-03/03/2022

TA-05/05/2022