



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Nineteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11265 of 2022

1 ZAKIR HUSSAIN
2 SIKKANDER

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
INSPECTOR OF POLICE,
AVADI -T6 POLICE STATION,
(CRIME NO.236/2022)

[RESPONDENT]

For Petitioner : M/S.S.SHANKAR Advocate

For Respondent : MR.A.DAMODARAN, ADDITIONAL PUBLIC PROSECUTOR

For Intervener : MR.V.R.APPASWAMI, ADVOCATE
(VAKALAT NOT FILED)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323 & 506(ii) of IPC in Crime No.236 of 2022, seek anticipatory bail.

2. The case of the prosecution is that when the petitioners were questioned by the defacto complainant for parking the car across the pathway, they attacked him and pushed him to the floor causing multiple aberration over right and left arm. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that on the occurrence day, the petitioners had attacked the defacto complainant and caused injuries. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.



5. Mr.V.R.Appaswami, the learned counsel appearing for the intervenor/defacto complainant raised serious objection to allow the petition stating that the injuries sustained by the defacto complainant are grievous in nature.

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6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate-II, Poonamallee on condition that each of the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed 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 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 daily at 10.30 a.m. for a period of two weeks 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court themselves as laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

19/05/2022

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

TRUE COPY



TO

1 THE JUDICIAL MAGISTRATE NO.II,
PONAMALLE.

2 THE CHIEF JUDICIAL MAGISTRATE,
CHENNAI DISTRICT.[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AVADI-T6 POLICE STATION.

+1 CC to M/S.S.SHANKAR Advocate on payment of necessary charges
SR.7304

CRL OP.11265/2022

Date :19/05/2022

SRG 20/05/2022