



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G. CHANDRASEKHARAN

CRIMINAL ORIGINAL PETITION No.10821 of 2022

1 AHAMED UKKAS [PETITIONERS / ACCUSED]
2 AHAMED RAHIM
3 SYED AHAMED HUSSAIN
4 FROTHOSH BANU

Vs

THE STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
TIRUVARUR DISTRICT.
CRIME NO.109 OF 2022.

For Petitioner : M/S. A.R.SURESH Advocate

For Respondent : MR.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)
[CRL.OP.NO.10821/2022]

For Respondent : MR. S.BALAJI, Govt. Advocate (Crl. Side)
[CRL.MP.NO.6903/2022]

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 offences under Sections 147, 294 (b), 324, 506(II) of IPC, read with Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.109 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to family dispute the incident had happened. It is also alleged that the petitioners abused the defacto complainant and his wife with filthy language and also attacked the defacto complainant with wooden log and threatened them with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners submitted that the defacto complainant is the father of the petitioners. The claim of the petitioners is that the petitioners work in United Arab Emirates and sent money to their father/defacto complainant. The defacto complainant purchased a property in his name and now he wants to settle the property in the name of his another son namely Yasin. Therefore, there was a fight. He further submitted that subsequently the matter was referred to Mohaidin Aandavar Pallivasal Jamad. There was an agreement reached in the Jamad. Therefore, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) submitted that the settlement in the Jamad has to be enquired. It is also his submission that the injured was discharged from the hospital.

5. Taking into consideration the fact that the parties are closely related and the accused are the sons of the defacto complainant, the fact that the issue between the parties had been resolved in the Jamad meeting and also the fact that the injured had been discharged from the hospital, this Court is of the view that the custodial interrogation of the petitioners is not necessary in this case. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 **(*)District Munsif Cum Judicial Magistrate, Valangaiman**, on condition that each of the petitioners 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 Investigating Officer, daily at 10.00 a.m., until further orders.

(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 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
06/05/2022

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 and Petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date of receipt of copy of this order before the learned District Munsif Cum Judicial Magistrate, Valangaiman. Other conditions remain unaltered, as per order of this court dated 26.05.2022 made in CrI.MP.NO.6903/2022 in CrI.O.P.No. 10821/2022

TO

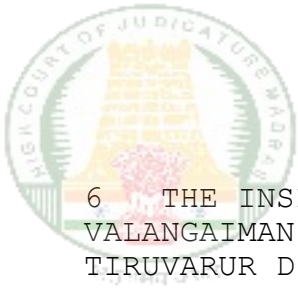
**1 (*)THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, VALANGAIMAN**

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

3 THE JUDICIAL MAGISTRATE,
NO.II, TIRUVALLUR.

4 THE CHIEF JUDICIAL MAGISTRATE
TIRUVALLUR. [FOR INFORMATION]

5 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



6 THE INSPECTOR OF POLICE,
VALANGAIMAN POLICE STATION,
TIRUVARUR DISTRICT.

WEB COPY

+1 CC to M/S. A.R.SURESH Advocate on payment of necessary
charges SR.NO.7874

CRL OP.10821/2022

Date :06/05/2022

TA-12/05/2022

RW-27/05/2022