



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

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR
CRIMINAL ORIGINAL PETITION No.12523 of 2022

1 KAJAKHAN [PETITIONERS / ACCUSED]
2 SYED SARTAZE B
3 IMRAN KHAN
4 FAYAZ KHAN
5 PARRESH KHAN

Vs

STATE REP BY THE INSPECTOR OF POLICE [RESPONDENT]
PODANUR POLICE STATION,
COIMBATORE 641 023.
CRIME NO. NOT KNOWN/2022.

For Petitioner : M/S.PADMANATHAN Advocate

For Respondent : Mr.C.E.Pratap Government 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 at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 323, 506(ii) of IPC in Crime No. not known of 2022, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner is the Secretary and the other petitioners are committee members of the Podanur Pallivasal. The defacto complainant also belongs to same Pallivasal, but a rival group. There is some dispute with regard to the construction of the Pallivasal and utilisation of funds, for which, there was wordy quarrel and exchange of gloves. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that there is a case in counter. Therefore, he prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (crl. side) would submit that there is a clash between the two groups and Now, a case in Crime No.298 of 2022 has been registered for the offences under Sections 147, 294(b), 323 and 506(ii) of IPC and there is a case in counter. However, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and also the fact that the it is an internal dispute between the worshippers of the Pallivasal, 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 fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Madukarai, Coimbatore, on condition that 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 appear before the respondent police 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 himself 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/-

26/05/2022

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.

TO

1 THE JUDICIAL MAGISTRATE,
MADUKARAI, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE (FOR INFORMATION)

3 THE INSPECTOR OF POLICE
PODANUR POLICE STATION,
COIMBATORE 641 023.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+5 CC to M/S.PADMANATHAN Advocate on payment of necessary
charges Sr.8156

CRL OP.12523/2022

Date :26/05/2022

RVR 31/05/2022