



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.12497 of 2022

1 S.L.MOHAMMED KAMAL [PETITIONERS / ACCUSED]
2 S.L.HUSSAIN MOHAMMED

Vs

THE STATE REP BY ITS, [RESPONDENT]
THE INSPECTOR OF POLICE,
KORADACHERRY POLICE STATION,
TIRUVARUR DISTRICT
CR.NO.90 OF 2022.

For Petitioner : M/S.D.PADMANABHAN 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 apprehends arrest for the alleged offences under sections 341, 294(b), 323, 506(i) of IPC, in Crime No.90 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the brother in law of the defacto complainant and there was a wordy quarrel between the defacto complainant and the petitioners with regard to the matrimonial dispute and due to which, the petitioners assaulted the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the the petitioners are innocent and they have been falsely implicated in this case. He further submitted it is the matter related to matrimonial dispute and also the defacto complainant has discharged from hospital . Hence, he prays for grant of anticipatory bail to the petitioners.



4.The learned Government Advocate (Criminal Side) appearing for the respondent submits that there was a wordy quarrel between the petitioners and the defacto complainant and that the petitioners assaulted the defacto complainant due to which, he sustained minor injuries. He further submitted that now the defacto complainant has discharged from the hospital.

5.Heard the submissions made by the learned Counsel appearing for the petitioners and the learned Government Advocate (crl.side) appearing for the respondent.

6. Considering the facts and circumstances of the case and also of the fact that the defacto complainant has discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to 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 of receipt of a copy of this order, before the Learned Judicial Magistrate, Tiruvarur 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 Judicial Magistrate, Tiruvarur 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 as and when required.

(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.

WEB COPY

-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,
TIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
KORADACHERRY POLICE STATION,
TIRUVARUR DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.PADMANABHAN Advocate on payment of necessary
charges Sr.8078

CRL OP.12497/2022

Date :26/05/2022

RVR 27/05/2022