



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.02.2022

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PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.2601 of 2022

1. Abdul Wahap @ Wahap

2. Mehar Nisha @ Megar Nisha ...Petitioners/ Accused Nos.1 & 2

Vs

The State represented by
The Inspector of Police,
Kottampatti Police Station,
Madurai District.

(Crime No.23 of 2022)

... Respondent/ Complainant

For Petitioners: Mr.S.Sankar
Advocate.

For Respondent : Mr.M.Muthumanikkam
Government Advocate(Crl. side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C.

PRAYER :-

For Anticipatory Bail in Crime No. 23 of 2022 on the file of the Respondent police.

ORDER: The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 323, 324 and 506(2) IPC, in Crime No.23 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant erected a flex board in his textile building that was torn by the petitioners and that when the defacto complainant asked about the same, the petitioners attacked the defacto complainant and caused grievous injuries and hence, he lodged a complaint, Thereafter, a compromise was reached between the parties and that since the



hospital expenditure was very much high, the defacto complainant asked the petitioners to pay the money, due to which, there was a wordy quarrel between them. 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 would further submit that the case in counter in Crime No.24 of 2022 is pending.

4.The learned Government Advocate (Criminal Side) would submit that the injured was discharged from the hospital.

5.Considering the fact that there existed disputes regarding the erection of flex board and also the facts that the injured was already discharged from the hospital and that the case in counter in Crime No.24 of 2022 is pending, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar 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 thirty (30) days and thereafter, as and when required for interrogation.

(c)the petitioners shall not tamper with the 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 / petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

08/02/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1.The Judicial Magistrate,
Melur.

2.-do-Through The Chief Judicial Magistrate,
Madurai District.

3.The Inspector of Police,
Kottampatti Police Station,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.S.KRISHNAN, Advocate (SR-999[I] dated 10/02/2022)

ORDER

IN

CRL OP(MD) No.2601 of 2022

Date :08/02/2022

RD/JM/SAR-II(11.02.2022) 3P 6C