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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.3942 of 2022

1. Syed Mohamed Umar @ Arapath,
2. Syed Nazar Moideen Ibrahim @ Sajath,
... Petitioners/Accused Nos. 3 and 11

Vs

THE STATE REP BY,
The Sub Inspector of Police,
Thideer Nagar Police Station,
Madurai City.
(Cr.No.85/2022).

... Respondent/Complainant

For Petitioner : MR.A.Balaji, Advocate.

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

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

PRAYER :-

For Anticipatory bail in Crime No.85 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A3 and A11, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(2) of IPC, in Crime No.85 of 2022, seek anticipatory bail.

2.The case of the prosecution is that there was a dispute between the parties with regard to the administration of local Jammath, the petitioners and other accused attacked the de-facto complainant and others with stone and bottles and abused them in filthy language. Hence the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the case in counter in Crime No.84 of 2022 is pending.

4.The learned Government Advocate (Criminal Side) appearing for the respondent would submit that the injured has already been discharged from the hospital and that the petitioners are not having any previous case.

5.Considering the facts that there existed disputes with regard to the administration of local Jammath, that the injured was discharged from the hospital, that the case in counter in Crime No.84 of 2022 is pending, that except the offences under Sections 307 and 506(2) of IPC, all other offences are bailable in nature and also the fact that the petitioners are not having any bad antecedents, 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 their 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 Court No.V, Madurai, 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 respondent Police or to the Police Officer, who intends to arrest or 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 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 am for a period of one month 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 himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW**



(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/02/2022

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

SJI

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 NO.V
MADURAI.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE,
THIDEER NAGAR POLICE STATION,
MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADRUI.

ORDER
IN
CRL OP(MD) No.3942 of 2022
Date :28/02/2022

PKP/PN/SAR-3/07.03.2022/3P/5C