



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 04/03/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.4236 of 2022

S.M.G.Munshi @ Thabraz

... Petitioner/Accused No.15

Vs

The State rep.by
The Inspector of Police,
Thideer Nagar Police Station,
Madurai.
Cr.No. 85 of 2022.

... Respondent/Complainant

For Petitioner : M/s.JINNAH.S.M.A,
Advocate.

For Respondent : Mr.M.MUTHUMANIKKAM,
Counsel for Government of Tamil Nadu(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 petitioner/accused No.15, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 323, 324, 307 and 506(ii) of IPC, in Cr.No.85 of 2022, seeks 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 petitioner 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 petitioner would submit that the petitioner is innocent and he has 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 and that the co-accused were already granted anticipatory bail by this Court in Crl.O.P.(MD) No.3942 of 2022, dated 28.02.2022.



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 petitioner is not having any previous case.

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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(ii) of IPC, all other offences are bailable in nature, that the co-accused were already granted anticipatory bail by this Court and also the fact that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or his 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 petitioner 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 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 petitioner 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 petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioner 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.

sd/-

04/03/2022

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



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 INSPECTOR OF POLICE
THIDEER NAGAR POLICE STATION,
MADURAI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.4236 of 2022

Date :04/03/2022

SA/VR/SAR.4/10.03.2022/3P/5C