



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 28.04.2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.7951 of 2022

1. Musthafa
2. Mohamed Safiyudeen
3. Mathi @ Mathiyalagan

... Petitioners/Accused 1to3

Vs

State represented by  
The Inspector of Police,  
Thondi Police Station,  
Ramanathapuram District.  
(Crime No.67 of 2022).

... Respondent/Complainant

For Petitioners: Mr.S.Muthukumar,  
Advocate.

For Respondent : Mr.R.Sivakumar,  
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.67 of 2022 on the file of the Respondent police.

**ORDER :** The Court made the following order :-

The petitioners/A.1 to A.3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 442, 427, 294(b) and 506(1) IPC, in Crime No.67 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant entered into rental agreement with the first petitioner's wife for running fertilizer shop and paid Rs.7,000/- as rent and then the defacto complainant gave sale advance to the first petitioner and thereafter some dispute arose in connection with the said shop, due to that, the petitioners had broken the shop and when the same was questioned by the defacto complainant, they abused him in filthy language and caused damage. 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.



4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that no one was injured in the incident.

5.Considering the nature of the charges levelled against the petitioners and also the facts that there existed tenancy dispute between the parties, that no one was injured in the incident and that except the offence under Section 506(1) IPC, all other offences are bailable in nature, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners shall deposit a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each to the credit of Government of Tamil Nadu, CMPRF in IOB, Secretariat Branch, Chennai-9 (Account No.11720 10000 00070, IFSC Code: IOBA0001172), without prejudice to their rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Thiruvadanai.

7.On production of such receipt/acknowledgment, 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, Thiruvadanai, 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 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 one month 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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
28/04/2022

WEB COPY

/ TRUE COPY /

/ /2022

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,  
THIRUVADANAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,  
THONDI POLICE STATION,  
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO :

THE OFFICER-INCHARGE,  
CHIEF MINISTER PUBLIC RELIEF FUND IN IOB,  
GOVERNMENT OF TAMIL NADU, SECRETARIAT BRANCH,  
CHENNAI-9.

+1 CC to M/s.S.MUTHU KUMAR, Advocate ( SR-4171[I] dated 29/04/2022 )

ORDER  
IN  
CRL OP(MD) No.7951 of 2022  
Date :28/04/2022

CSM  
USK/PN/SAR-IV/04.05.2022/3P/7C

<https://hcservices.ecourts.gov.in/hcservices/>