



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/06/2022
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10039 of 2022

Mohamed Risayed

... Petitioner/2nd Accused

Vs

The State rep.by
The Inspector of Police,
S.P.Pattinam Police Station,
Ramnad District.
Crime.No. 79 of 2022.

... Respondent/Complainant

For Petitioner : Mr.VENKATESH.D.
Advocate.

For Respondent : Mr.P.KOTTAICHAMY,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.79 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

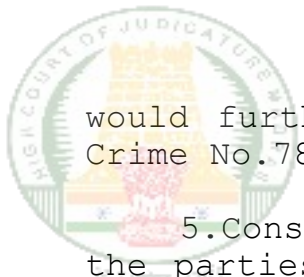
The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 448, 294(b), 323 IPC and Section 4 of TNPHW Act, in Crime No.79 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that there was a civil dispute between the parties, due to which, on 21.04.2022, at about 06.00 p.m, the petitioner and other accused entered into the defacto complainant's home and abused her in filthy language and also threatened her with dire consequences. 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.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the injured suffered only simple injury. He

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



would further submit that the counter case has been registered in Crime No.78 of 2022 against the defacto complainant.

5.Considering the fact that there existed civil dispute between the parties and also the facts that no one has sustained serious injury in this incident and that the counter case in crime No.78 of 2022 is pending against the *defacto* complainant and party, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of 15 days and thereafter, as and when required for interrogation.

[c]the petitioner shall not tamper with the 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]**.

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

sd/-

08/06/2022

/ TRUE COPY /

10/06/2022

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,
S.P.PATTINAM POLICE STATION,
RAMNAD DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. VENKATESH.D Advocate SR.No.5361

ORDER

IN

CRL OP(MD) No.10039 of 2022
Date :08/06/2022

SA/VR/SAR.2/09.06.2022/3P/6C