



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/06/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.10050 of 2022

1. Ajmal Khan
2. Sheik Mohamed

... Petitioners/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Vilakuthoon Police Station,
Madurai District.

*(Crime No.130 of 2022)

... Respondent/Complainant

*(Amended as per order of this
Hon'ble Court dated 14.06.2022
in CrI.M.P. (MD) No.6506/2022
in CrI.O.P. (MD) No.10050/2022
by KMSJ)

For Petitioners : M/s.Jinnah S M A, Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (CrI.Side)

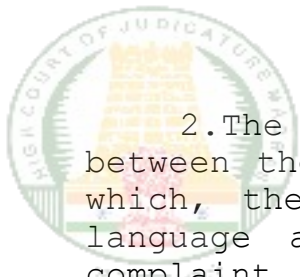
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Cr.No.130 of 2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 323, 324 and 506(ii) IPC, in Crime No.130 of 2022, seek
anticipatory bail.



2.The case of the prosecution is that there was a wordy quarrel between the parties regarding the parking of their vehicle, due to which, the petitioners abused the de-facto complainant in filthy language and attacked him and also caused injuries. Hence the complaint.

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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(Crl.Side) would submit that the injured person in this case has been treated as out patient. He would further submit that the first petitioner is having no previous case and that the second petitioner is having two previous cases.

5.Considering the fact that there arose wordy quarrel between the parties regarding the parking of their vehicle and also the facts that the injured was already discharged from the hospital and that except the offence under Section 506(ii) 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 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.1, 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:

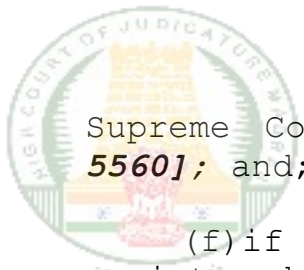
a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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 5560]**; and;

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

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Sd/-
15/06/2022

/ TRUE COPY /

21/06/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1. THE JUDICIAL MAGISTRATE NO.I,
MADURAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
VILAKUTHOON POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10050 of 2022
Date :15/06/2022

SP/JM/SAR II/21/06/2022/3P/5C