



WEB COPY

District. Crime



17.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 12/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . Nos.11781 and 11785 of 2022

Nasar Mohamed

... Petitioner/Accused No.3  
in CRL OP(MD) . No.11781 of 2022

... Petitioner/ Sole Accused  
in CRL OP(MD) . No.11785 of 2022

Vs

The State rep.by,  
The Inspector of Police,  
Batlagundu Police Station,  
Dindigul District.

Crime No.221 of 2017 & 304 of 2018.

... Respondent/Complainant  
in both petitions

For Petitioner : MR.T.Antony Arul Raj,  
Advocate. (in Both cases)

For Respondent : Mr.P.Kottai Chamy,  
Government Advocate (Crl.Side) (in Both cases)

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

PRAYER :-For Anticipatory Bail in Crime Nos.221 of 2017 and 304 of 2018, on the file of the Respondent police.

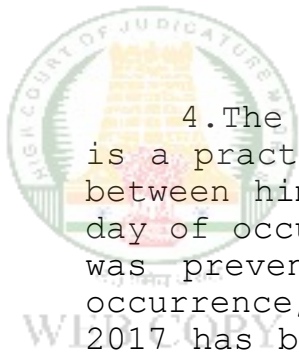
COMMON ORDER : The Court made the following order :-

The petitioner/Accused No.3, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 324, 506(2) of I.P.C, in Crime No.221 of 2017 on the file of the respondent police, seeks anticipatory bail in Crl.O.P.(MD).No.11781 of 2022.

2.The petitioner/Sole Accused, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 419, 420, 465 of IPC, in Crime No.304 of 2018, on the file of the respondent police, seeks anticipatory bail in Crl.O.P.(MD). No.11785 of 2022.

Crl.O.P.(MD).No.11781 of 2022

3.The matter was heard and reserved for orders and after perusal of the entire CD file has been called for and perused.



4.The case of the prosecution is that the defacto co-accused it is a practising advocate and also it appears that there was trouble between himself and other members of the Jamath. On the particular day of occurrence when he was addressing, the public gathered and he was prevented, abused and assaulted. Based upon the above said occurrence, complaint has been lodged and a case in Crime No.221 of 2017 has been registered for the offences punishable under Sections 147, 148, 294(b), 324, 323 and 506(ii) of IPC.

5.After completing the investigation, final report has been filed before the learned Judicial Magistrate Nilakottai and the same was taken cognizance in C.C.No.281 of 2018. Now summon has been issued and against him, PT warrant is stated to be pending execution.

6.This petitioner was on bail by this Court in another matter. Since the final report has been filed before the concerned Court, continuation of custodial interrogation may not be required.

7.Therefore, this Court is inclined to grant anticipatory bail to the petitioner in respect of Crime No.221 of 2017.

CrI.O.P.(MD)No.11785 of 2022

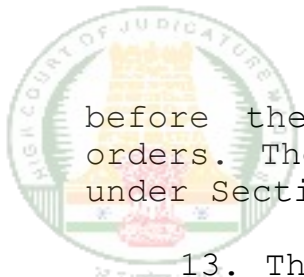
8.The matter was heard and reserved for orders and after perusal, the entire CD file has been called for and perused.

9.Perusal of CD file shows that investigation has been completed and final report has been filed before the learned Judicial Magistrate, Nilakottai on 17.09.2021 and last date of hearing is 28.10.2021.

10.The learned counsel for the petitioner submits that the petitioner has not received any summon from the trial Court so far. The petitioner must appear before the trial Court on receipt of summons.

11.Reading of FIR shows that similar complaint was lodged earlier and closed after enquiry. Later based on the order passed by the learned Judicial Magistrate, Nilakottai in 156(3) Cr.P.C. petition, this case was registered against the petitioner. Since only summons issued, no question of anticipatory bail arises in this crime number.

12.Accordingly, these petitions are allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, in respect of the above said two crime numbers namely Cr.Nos.221 of 2017 and 304 of 2018, before the learned Judicial Magistrate, Nilakottai, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear



before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

13. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

12/07/2022

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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,  
NILAKOTTAI.

2 DO-THROUGH :  
THE CHIEF JUDICIAL MAGISTRATE, DINDUGAL DISTRICT.

3 THE INSPECTOR OF POLICE  
BATLAGUNDU POLICE STATION, DINDIGUL DISTRICT.

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

+2. CC to MR.T.ANTONY ARUL RAJ T Advocate SR.No.7019, 7020

ORDER

IN

CRL OP(MD) No.11781 of 2022

Date :12/07/2022

TM

MK/PN/SAR.III/19.07.2022/3P/7C