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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/10/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP (MD) . No.12096 of 2022

1. Kathirmuhamed @ Kathir Mohamed
2. Kamarudeen @ Mohamed Kamar Deen
3. Sadamuhenn @ Seik Sadham Uzan

... Petitioners/Accused
No.1 to 3

Vs

1. State rep.by
The Sub Inspector of Police,
Pandalkudi Police Station,
Virudhunagar District.
(Crime No.56/2022).

... Respondent/Complainant

- (*) 2. Samsu Kani

... 2nd Respondent/Defacto
Complainant

- (*) (R2 Suo Motu impleaded as per order of
this Hon'ble Court dated 06.07.2022
in Crl.O.P.(MD)No.12096/2022 by GIJ)

For Petitioners : M/s. Muneeswaran.B, Advocate

For Respondent No.1 : Mr.M.Veeranthiran
Government Advocate (Crl.Side)

For Respondent No.2 : No Appearance

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

PRAYER :-

For Anticipatory Bail in Crime No.56/2022 on the file of the
respondent police.



ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(ii) I.P.C, in Crime No.56 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that there was a property dispute between the parties, over which, on 25.06.2022 at about 10:50am, there was wordy quarrel and the accused persons assaulted the defacto complainant and also criminally threatened him with dire consequences. Hence, the complaint.

3. On the side of petitioners, it is stated that there was a property dispute between the parties. A false case was foisted against them and they are noway connected with the offence. Injured was discharged from the hospital. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that due to property dispute, this case was foisted against the accused persons. In this case, injured was discharged from the hospital. Investigation is not yet completed and hence, prays to dismiss the petition.

5. Considering the facts and circumstances of the case, considering the fact of property dispute between the parties and that the injured was discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Aruppukottai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 learned 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 am until further orders;

(c) the petitioners shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;



(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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
10/10/2022

/ TRUE COPY /

/10/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

TO

1. THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
3. THE SUB INSPECTOR OF POLICE,
PANDALKUDI POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. MUNESWARAN.B Advocate SR.No.11177

ORDER
IN
CRL OP(MD) No.12096 of 2022
Date :10/10/2022