



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/10/2022

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PRESENT

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

CRL OP(MD). No.14183 of 2022

1. Beer Mohamad
2. Nazar @ Nazar Khan
3. Salaiselvam @ Salai Selvapathi
4. Julaika @ Meivazhi Suloka ... Petitioners/Accused Rank 1 to 4

Vs

The State rep.by,
1.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukkottai District.
Crime No.152 of 2022.

... Respondent / Complainant

2. Basheer Mohamed ... 2nd RESPONDENT

(R2 is Suo Motu Impleaded as Per Order
of the Court District 05/08/2022 in
Crl.O.P.(MD) No.14183/2022).

For Petitioners : M/s.Selvakumar V,
Advocate.

For R1 : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

For R2 : Mr.C.Arulvadivel @ Sekar, Advocate.

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

PRAYER :-For Anticipatory Bail in Crime No.152 of 2022 on the file
of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
323, 355 and 506(i) of IPC, in Crime No.152 of 2022, seek
anticipatory bail.

2. The case of the prosecution is that due to property dispute,
the petitioners attacked the defacto complainant and his friends and
https://www.mca.in/judicial https://www.mca.in/judicial threatened them with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the first petitioner is the son of the defacto complainant. There is a civil suit pending between them. He would further submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4. The learned Government Advocate (Crl.Side) would submit that there is a family dispute pending between the parties with regard to the properties and the injured has been discharged from the hospital. He would further submit that investigation is almost over and the charge sheet has been filed before the concerned Court.

5. The learned counsel appearing for the second respondent vehemently opposed for grant of anticipatory bail to the petitioners.

6. Considering the facts and circumstances of the case and considering the nature of offence and also the facts that there existed civil dispute between the parties and the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, 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 learned Judicial Magistrate I, Pudukottai, 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 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 a.m., until further orders.

(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**



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

sd/-

11/10/2022

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/10/2022

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

TO

1 THE JUDICIAL MAGISTRATE NO.I,
PUDUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
GANESH NAGAR POLICE STATION,
PUDUKKOTTAI DISTRICT.

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

+1 CC to M/s.V.SELVAKUMAR, Advocate (SR-11187[I] dated 11/10/2022)

+1 CC to M/s.C.ARUL VADIVEL@SEKAR, Advocate (SR-11207[I] dated 12/10/2022)

ORDER

IN

CRL OP(MD) No.14183 of 2022

Date :11/10/2022

cp

MK/SBN/SAR.II/14.10.2022/3P/7C