



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). Nos.14452 and 14455 of 2022

1. S.Hajjul Akber Ali @ Akber Ali,

2. Sithick Syed Ali Badhusa @Sithick,

... Petitioners/Accused Nos. 1 & 2
in Crl.OP(MD)No.14452 of 2022

M.Ansari

... Petitioner/Accused No.3
in Crl.OP(MD)No.14455 of 2022

Vs

State Rep.by
The Inspector of Police,
Tenkasi Police Station,
Tenkasi District.
in Crime No.414/2022.

... Respondent/Complainant
in both petitions

For Petitioners : M/s.Anandharaj R,Advocate.
In CRL OP(MD)No.14452 of 2022

Mr.S.Ramasamy, Advocate
In CRL OP(MD)No.14455 of 2022

For Respondent : Mr.B. Thanga Aravindh
Government Advocate (Crl.Side)
in Both petitions

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

COMMON PRAYER :-

For Anticipatory Bail in Crime No.414 of 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, 427 and 506(ii) IPC in Crime No.414 of
2022 on the file of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the defacto complainant is doing second hand auto selling business. Two days before the date of occurrence the defacto complainant purchased old auto and that was also under repair and he has given the same to the workshop. On 30.07.2022 at about 8.50 am the defacto complainant went to the auto workshop and enquired about the work completion and at that time the accused persons, who were also doing the same business came in a drunken mood and assaulted him with bottle and hands and caused damage to the auto which was given by the defacto complainant. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that due to previous motive there was a trouble between the parties. The injured sustained simple injuries and discharged from the hospital.

5. Considering the nature of offence, the overt act attributed against the petitioners, the injured person has been discharged from the hospital and the injury is simple in nature, 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 on their appearance, before the learned Judicial Magistrate, Tenkasi, 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 condition that the petitioners shall deposit a sum of Rs.2,500/- (Rupees Two Thousand and Five Hundred only) to the credit of Crime No.414 of 2022 and the the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. The petitioners 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/-
11/08/2022

/ TRUE COPY /

/08/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO
1 THE JUDICIAL MAGISTRATE,
TENKASI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE
TENKASI POLICE STATION,
TENKASI DISTRICT.

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

+1 CC to M/s.R.ANANDHARAJ, Advocate (SR-8396[I] dated 11/08/2022)

ORDER

IN

CRL OP(MD) . Nos.14452

and 14455 of 2022

Date :11/08/2022

PKP/SVR/SAR-3/17.08.2022/3P/6C