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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/09/2022

PRESENT

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

CRL OP(MD) . No.17270 of 2022

1. Mohamed Ashik Raja

2. Mohamed Iliyas

... Petitioners/Accused No.3 & 6

Vs

State rep.by

The Inspector of Police,

Melur Police Station,

Madurai District.

(Crime No.26/2021).

... Respondent/Complainant

For Petitioners : M/s.Iniyavan.M., Advocate.

For Respondent : Mr.M.Veeranthiran

Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.26/2021 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 147, 427, 324 and 506(ii) IPC in Crime.No.26 of 2021, seek anticipatory bail.

2. The case of the prosecution that due to civil dispute the petitioners trespassed into the shop of the defacto complainant and assaulted him with wooden log and caused injuries. Hence, the complaint.



3. The learned counsel for the petitioners would submit that it is a case and counter case. He would further submit that the petitioners are innocent and their names have been falsely implicated in this case and seek anticipatory bail.

4. The learned Government Advocate (Crl. Side) would submit that it is a civil dispute between the parties and the injured has been discharged from the hospital. He would further submit that it is a case and counter case and the investigation of the case is pending and strongly opposed to grant bail to the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, 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 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, Melur on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 appear before the respondent police daily at 10.30 am 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
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/10/2022

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

TRP

TO

1. THE JUDICIAL MAGISTRATE,
MELUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.17270 of 2022
Date :27/09/2022

SP/GB/SAR /10/10/2022/3P/5C