



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2022

WEB COPY

PRESENT

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

CRL OP(MD). No.17374 of 2022

1. Bakurdeen Kani
2. Kader Kani
3. E.Peer Mohamed
4. B.Shama @ Segammal ... Petitioners/Accused Nos.2,3,5 & 6

Vs

The State rep.by,
The Sub Inspector of Police,
Silaiman Police Station,
Madurai City
(Crime No.346 of 2022).

... Respondent/Complainant

For Petitioners : M/s.Jinnah.S.M.A., Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.346 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 147, 148, 294(b), 323, 324, 427, 451, 506(ii) I.P.C and Section 3 of TNPPDL Act, in Crime No.346 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous motive, on 24.09.2022, the accused persons assaulted the defacto complainant and his family members with wood and abused them in filthy language, threat them with dire consequences and also caused damage to his two wheeler and television, thereby caused damage to the tune of Rs.40,000/- . Hence, the complaint.



3. On the side of petitioners, it is stated that it is a case in counter, based upon the complaint given by the petitioners, a counter case was registered in Crime No.347 of 2022 against the defacto complainant party and that the injured was treated as out patient. The petitioners are noway connected with the offence. Hence, prays to release the petitioners on anticipatory bail.

4. On the side of prosecution, it is stated that based upon the complaint given by the petitioners, case in counter was registered in Cr.No.347 of 2022 against the defacto complainant party and in both cases the injured was treated as out-patient. Due to previous motive, the accused persons caused injuries and set fire to a two wheeler and TV. There is no previous cases pending against the petitioners. In this case, investigation is not yet completed. Hence, prays to dismiss the petition.

5. Considering the dispute between the parties, that the injured was treated as out-patient, that the petitioners are not having any previous case at their credit and it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the the petitioners shall pay a sum of Rs.2,000/- (Rupees Two Thousand only) each to the credit of Crime No.346 of 2022, before the Judicial Magistrate No.II, Madurai, without prejudice to their rights and contentions before the trial Court and produce the receipt before the trial Court.

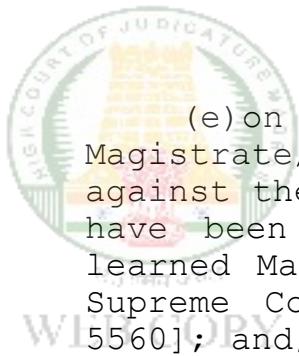
7. On production of such receipt, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Madurai, on condition that the petitioners shall execute 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/-
29/09/2022

/ TRUE COPY /

/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
MADURAI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
MADURAI DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
SILAIMAN POLICE STATION, MADURAI CITY
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.17374 of 2022
Date :29/09/2022

PNM
MK/GB/SAR. /07.10.2022/3P/5C