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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/10/2022

PRESENT

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

CRL OP(MD) . No.19129 of 2022

1. Upesh Raguman @ Ubesh Mohamed
2. Rakip Nistar @ Ravoop Nistar ... Petitioners/Accused
No.1 & 2

Vs

State rep.by
The Inspector of Police,
Nilakottai Police Station,
Dindigul District.
(Crime No.241 of 2022) ... Respondent/Complainant

For Petitioners : M/s.Mohamed Riyas A, Advocate.

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

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

PRAYER :-

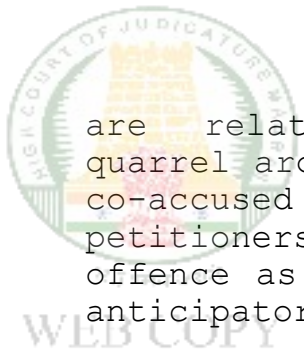
For Anticipatory Bail in Crime No. 241 of 2022 on the file of the respondent Police.

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 147, 148, 294(b), 324 and 506(ii) of IPC, in Crime No.241 of 2022, seek anticipatory bail.

2. The case of the prosecution is that On 21.09.2022, due to previous enmity, the petitioners and other accused abused the defacto complainant in filthy language, attacked him and also threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioners would submit that the petitioners and other accused as well as the defacto complainant



are relatives. Due to difference of opinion, there was a worldly quarrel arose between them. He would further submit that the co-accused were arrested and thereafter, released on bail. The petitioners are innocent persons 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 the co-accused were released on bail by the learned Judicial Magistrate, Nilakottai and the injured has already been discharged from the hospital. The petitioners are not having any bad antecedents. He would further submit that investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail.

5.Considering the facts and circumstances of the case and considering the facts that the injured has been discharged from the hospital, co-accused were released on bail and the petitioners are not having any bad antecedents, 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, Nilakottai, 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 5560]**; and;



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

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Sd/-
28/10/2022

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/11/2022

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

cp

TO

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

ORDER
IN
CRL OP(MD) No.19129 of 2022
Date :28/10/2022

SP/SSS/SAR IV/07/11/2022/3P/5C