



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/11/2022

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PRESENT

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

CRL OP(MD). No.19901 of 2022

1. Riyaskhan
2. Ibramsha

... Petitioners/Accused Nos.1 & 2

Vs

State Rep.by
The Inspector of Police,
Sethubavachathiram Police Station,
Thanjavur District.
(In Crime No.530/2022)

... Respondent/Complainant

For Petitioners : M/s.Arun B, Advocate.
For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

PRAYER :-

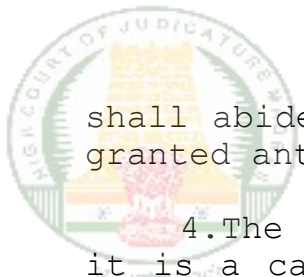
For Anticipatory Bail in Cr. No.530/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.1 and 2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 506(ii) of IPC r/w Section 4 of the Tamil Nadu Prohibition of Women Harassment Act, in Crime No.530 of 2022, seek anticipatory bail.

2.The case of the prosecution is that on 29.10.2022 the petitioners went to relative house to attend the funeral ceremony, at that time, a wordy quarrel arose between the petitioners and the defacto complainant's family members, due to which, both were assaulted each other. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that due to the aforesaid occurrence, a case in counter has been registered against the complainant in Crime No.531 of 2022 and the petitioners



shall abide any condition imposed by this Court. Hence, the petitioners be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that it is a case and case in counter and the injured has already been discharged from the hospital and the petitioners are not having any previous case. He would further submit that investigation in this case is still pending. Hence, he opposed for grant of anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the facts that the injured has already been discharged from the hospital and also the facts that it is a case and case in counter and the petitioners are not having any previous case, 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 District Munsif cum Judicial Magistrate, Peravurani, Thanjavur District, 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;



CRL OP(MD). N



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

sd/-

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

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, PERAVURANI,
THANJAVUR DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE, SETHUBAVACHATHIRAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.B.ARUN, Advocate (SR-12811[I] dated 10/11/2022)

ORDER

IN

CRL OP(MD) No.19901 of 2022

Date :10/11/2022

CP

RS/SSS/SAR.3(22.11.2022) 3P-6C