



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/11/2022

PRESENT

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

CRL OP(MD). No.20126 of 2022

WEB COPY

1. Ajam Ali @ Kalim @ Azam Ali
2. Hussain Deen @ Saleem
- 3.Hussaini @ Raleem @ Syed Kuthabai Alam Hussani

... Petitioners/Accused No.1,3,&4

Vs

The State Rep.by
The Inspector of Police,
Thideer Nagar Police Station,
Madurai City
In Crime No.162 of 2021).

... Respondent/Complainant

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

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

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

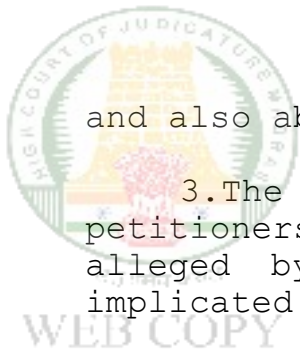
PRAYER :-

For Anticipatory Bail in Crime No.162 of 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, 294(b), 323, 324 and 506(ii) IPC in Crime No.162 of 2021, seek
anticipatory bail.

2.The case of the prosecution that due to wordy quarrel, the
petitioners/accused and other accused have attacked the de facto complainant



and also abused him in filthy language. Hence, the complain

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he seeks anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that it is case of case and counter and the injured was discharged from the hospital and the A1 is having two previous cases. He would further submit that the investigation of the case is pending and he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and that it is a case and counter 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 their 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 No.V, 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 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 as and when required for interrogation;

(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 registered under Section 229-A IPC.

sd/-

14/11/2022

/ TRUE COPY /

WEB COPY

/11/2022

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

TRP

TO

1. The Judicial Magistrate No.V, Madurai.
2. -do-Through The Chief Judicial Magistrate, Madurai.
3. The Inspector of Police,
Thideer Nagar Police Station,
Madurai City.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.20126 of 2022

Date :14/11/2022

RD/SSS/SAR-II(23/11/2022) 3P 5C