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CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/11/2022
PRESENT

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

CRL OP(MD) . No.20590 of 2022

Mohamed Rafik

... Petitioner/Accused

Vs

The State rep.by
The Inspector of Police,
Woraiyur Police Station,
Trichy District.
Cr.No.1158/2022.

... Respondent/Complainant

For Petitioner : M/s.Vishnu V, Advocate.

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

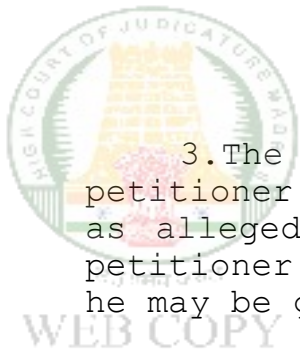
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. 1158/2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 324, 506(ii) and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.1158 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that on 18.10.2022, the defacto complainant had hired the auto bearing registration No.TN48F7711 through his mobile by using OLA application, which is an online platform meant for hiring autorichaws and cabs. The complainant had negotiated in terms of fair price, where the accused had demanded extra charges of Rs.60 over the fair price, due to which, a wordy quarrel broke out between them. Based on the said motive, the accused went to the house of the defacto complainant and abused him in filthy language, attacked him and his family members and also threatened him with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. He would further submit that the petitioner shall abide any condition imposed by this Court. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate(crl.side) appearing for the respondent police would submit that no previous case is pending against the petitioner and the injured was treated as out-patient. He would further submit that the investigation in this case is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the facts that the injured was treated as out-patient and the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judge, Additional Mahila Court, Tiruchirappalli, on condition that the petitioner 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 learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent Police daily at 10.30 a.m., until further orders;

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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]**.



[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
21/11/2022

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/12/2022

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

TO

- 1 THE JUDGE,
ADDITIONAL MAHILA COURT,
TIRUCHIRAPPALLI.
- 2 THE INSPECTOR OF POLICE,
WORAIYUR POLICE STATION,
TRICHY DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.20590 of 2022
Date :21/11/2022

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