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CRL OP(MD). A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/06/2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.11614 of 2023

1. Sikkanthar Badusha,
2. Satham Ushen,
3. Perthouse,
4. Asrafali,
5. Shahjahan,
6. Selvaraj@ibrahim,
7. Pulpkavani @ Kadhar Umar,
8. Sadam Hussain,
9. Sadam Hussain,
10. Asar@ Mohammed Azarudeen,
11. Shahul @ Shahul Hameed,

... Petitioners/Accused
No.1,3 to 8,11,13 to 15

Vs

The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
Crime No.96 of 2023..

... Respondent/Complainant

For Petitioners : M/s.Murugan.R.,
Advocate.

For Intervenor : M/s.S.Atham Ali
Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.96 of 2023 on the file of the
respondent police.



ORDER : The Court made the following order :-

The petitioners/A1,3 to 8,11,13 to 15 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,447,294(b),323,324,506(ii) and 379 of IPC in Crime No.96 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to previous enmity the petitioners along with other accused unlawfully assembled together with deadly weapons, assaulted the defacto complainant and threatened with dire consequences, hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that the injured has been discharged from the hospital and a case and case in counter has been registered, hence he seek bail.

4. The learned counsel for the intervenor vehemently objected to grant anticipatory bail to the petitioners.

5.The learned Government Advocate(Crl.Side) would submit that there existed previous enmity between the parties for which a case came to be registered in Crime No.96 of 2023 and another case has also been registered in Crime No.97 of 2023 for similar offences and the investigation is still pending. He would further submit that one previous case is pending against the first petitioner under the Arms Act.

6.Considering the fact that there existed previous enmity between the parties and also the fact that the injured was already discharged from the hospital and that except the offences 379 and 506(ii) of IPC, all other offences are bailable in nature, hence 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, Thiruvadanai, Ramanathapuram 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 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 passbook to ensure their identity;



(b) the petitioners shall stay at Trichy and report before the Cantonment Police Station daily at 10.30 am., for a period of one month and thereafter report before the respondent police daily at 10.30 a.m., until further orders.

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(c) the petitioners shall not tamper with the 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/ petitioners thereafter absconds, a fresh FIR can be 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 Judicial Magistrate, Thiruvadanai,
Ramanathapuram District
 2. do through The Chief Judicial Magistrate,
Ramanathapuram.
 3. The Inspector of Police,
Thirupalaikudi Police Station,
Ramanathapuram District.
 4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.
- +1 CC to M/s.R.MURUGAN, Advocate (SR-9805[I] dated 28/06/2023)

ORDER

IN

CRL OP(MD) No.11614 of 2023

Date :28/06/2023

DL/ (03.07.2023) / 3P/6C

<https://www.mhc.tn.gov.in/judis>