



WEB COPY



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.11700 of 2023

1.Thangaraja

2.Sadam Hussain

... Petitioners/A1 and A2

Vs

The State represented by
The Inspector of Police,
Allinagaram Police Station,
Theni District.

(Crime No.230 of 2023)

... Respondent/Complainant

For Petitioners: Mr.A.Mohamed Riyaz

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

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

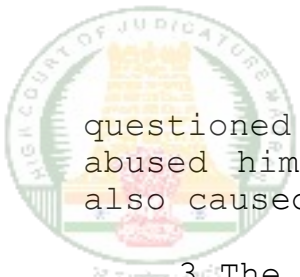
PRAYER :-

For Anticipatory Bail in Crime No.230 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 324 and 506(ii) IPC, in Crime No.230 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a tenant under the first petitioner's land and he given a sum Rs.15,000/- as monthly rent. In the meantime, the first petitioner instructed the de-facto complainant to vacate the premises and he sought two months time to shift his workshop. In such circumstances on 21.06.2023, at about 06.30 a.m., the de-facto complainant's staff namely, one Krishnan called him over phone and informed that the petitioners and two others came to the shop and fencing the property. Immediately, the de-fact complainant came to the shop and



questioned the petitioners, at that time, the petitioners and others abused him in filthy language and attacked him with iron rod and also caused injuries. Hence, the case.

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.

4.The learned Government Advocate(Crl.Side) would submit that the injured was discharged from the hospital and that the petitioners are having no previous case.

5.Considering the facts that there existed tenancy disputes between the parties, that the injured was already discharged from the hospital, that except the offence under Section 506(ii) IPC, all other offences are bailable in nature and also the fact that 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 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, Theni, 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 am for a period of two weeks and thereafter, 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 can be registered under Section 229-A IPC.

sd/-
28/06/2023

WEB COPY

/ TRUE COPY /

/07/2023

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

sj i

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI.

3 THE INSPECTOR OF POLICE
ALLINAGARAM POLICE STATION
THENI DISTRICT.

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

+1 CC to M/s.A.MOHAMED RIYAZ, Advocate (SR-9992[I] dated 30/06/2023
)

ORDER
IN
CRL OP(MD) No.11700 of 2023
Date :28/06/2023

SS/06/07/2023/3P/6C