



CRL OP(MD). No.13460 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13460 of 2023

Mohammed Ibrahim

... Petitioner/ Accused No.2

Vs

The State rep.by,
The Inspector of Police,
Kodaikanal Police Station,
Dindigul District.
Crime No.209 of 2023..

... Respondent/ Complainant

For Petitioner : S.PRABHA, Advocate

For Respondent : Mr.R.Suresh Kumar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.209 of 2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

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The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 506(ii) of I.P.C, in Crime No.209 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that there was a dispute between the parties on account of damage of car of the first accused. On 11.07.2023, the accused persons abused and assaulted the defacto complainant and his friend and also criminally threatened them. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and a false complaint has been foisted against him, on account of previous enmity between the defacto complainant and A1. The petitioner is arrayed as A2. Though damage was caused to A1's car, no complaint was preferred by him. In this case injured has been discharged from the hospital. Hence, prays to release the petitioner on anticipatory bail.



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4.The learned Government Advocate (Crl.Side) submitted that the accused persons had abused and assaulted the defacto complainant and his friend. In this case, though the petitioner is not having any previous case at his credit and the injured has been discharged, the investigation is not yet completed. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case considering the nature of dispute between the parties, the fact that the injured has been discharged from the hospital, the petitioner is not having any previous case at his credit, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate No.II, Kodaikanal, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)



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with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
24/07/2023

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/07/2023

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

pnm

TO

1.THE JUDICIAL MAGISTRATE NO.II, KODAIKANAL.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3.THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.



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

+1CC TO M/S.S.PRABHA, Advocate SR-11244

ORDER
IN
CRL OP(MD) No.13460 of 2023
Date :24/07/2023

RK/BUC (28/07/2023) 5P /6 C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023