



CRL OP(MD). No.15152 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/08/2023

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15152 of 2023

Mohammed Hussain

... Petitioner/ Accused No.3

Vs

State Rep.by
The Inspector of Police,
Palani Adivaram Police Station,
Palani, Dindigul District.
(Crime No.04 of 2020).

... Respondent/Complainant

For Petitioner : Mr.N.Marimuthu, Advocate.
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.04 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/ Accused No.3, apprehending arrest at the hands of the respondent Police for the alleged offence punishable under Sections 147, 448, 294(b), 323 and 506(i) & 120B of I.P.C. r/w Section 3(1) of Tamil Nadu Public Property



CRL OP(MD). No.15152 of 2023

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(Prevent of Damage and Loss) Act, 1992, in Crime No.04 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a civil dispute between the accused Nos.1, 2 and the defacto complainant, who is the employee in car parking at ayyampulli Road. Due to which, on 04.01.2020 at about 6.45 a.m., while the defacto complainant and another person engaged in their work, the accused trespassed into the car parking area, made quarrel with them and also attacked the defacto complainant using hands. The accused person caused damage to the CCTV camera and the flex board. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and has not committed any such offence as alleged by the prosecution. Further, the petitioner is a practising Advocate at Dharapuram, Tiruppur District and he is the counsel on record for the accused Nos.1 and 2 in the suit in O.S.No.80 of 2018, which is pending before the District Munsif Court, Palani.

4. Perusal of CD file shows that the petitioner appeared before the respondent Police and gave a statement that in respect of the car parking, a suit is also pending before the District Munsif Court, Palani and he attended the above said Court proceedings on the particular date of alleged occurrence.

5. It is the offence of the year 2020. Even though the learned counsel for the



CRL OP(MD). No.15152 of 2023

petitioner would submit that the petitioner is a counsel on record for the accused No.1 and 2, he did not go to the place of occurrence. But, the petitioner has given a statement to the effect that he also attended the Court on the particular date of alleged occurrence and he went along with co-accused, picked up a quarrel with the watchman and made some damage.

6. Considering the fact that a suit is pending before the District Munsif Court, Palani, also considering the oldness of the crime and other co-accused have been granted either regular bail or anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner.

7. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Palani, 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 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.



CRL OP(MD). No.15152 of 2023

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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.

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21/08/2023

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/09/2023

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

INDU

TO

1 THE JUDICIAL MAGISTRATE, PALANI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE, PALANI ADIVARAM POLICE STATION,
PALANI, DINDIGUL DISTRICT.

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

+1 CC to M/s.N.MARIMUTHU, Advocate (SR-12566[I] dated 22/08/2023)

ORDER IN
CRL OP(MD) No.15152 of 2023
Date :21/08/2023

RS/VR/SAR-(07.09.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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