



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.23003 of 2022

WEB COPY

Muhamad Shajahan @ Mohammed Shajahan

...Petitioner/Accused No.1

-vs-

State represented by
The Inspector of Police,
Parthibanoor Police Station,
Ramanathapuram District.
(in Cr.No.207 of 2022)

...Respondent/Complainant

Hafeezur Rahman

...Petitioner/Defacto
Complainant/Intervener in
Crl MP(MD)No.877 of 2023

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of her arrest by the respondent Police with respect to Cr.No.207 of 2022.

For Petitioner : Mr.K.Malaimaran, Advocate

For Respondent : Mr.M.Veeranthiran
Government Advocate (Crl.side)

For Intervenor : Mr.Babu Jeganath R, Advocate.

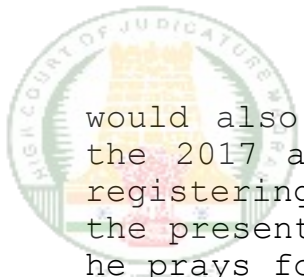
ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 341, 294(b), 323, 324 and 506(2) IPC in Crime No.207 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the petitioner and other accused waylaid the defacto complainant and abused with filthy language and attacked by using iron and wooden logs and threatened with dire consequences. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He

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



would also submit that the amount is stated to have been in the 2017 and thereafter, the defacto complainant did not come for registering the property and now to put pressure on the petitioner, the present complaint has been lodged with false accusations. Hence, he prays for grant of anticipatory bail to the petitioner.

WEB COPY

4.The learned Government Advocate (Crl.side) would submit that due to civil dispute, the accused waylaid the defacto complainant and abused with filthy language and assaulted with iron and wooden logs and threatened with dire consequences. He would also submit that injured has been discharged from the hospital and no previous case is pending against the petitioner. He opposes for grant of anticipatory bail to the petitioner.

5. Mr.Babu Jeganath, learned counsel for the intervenor would submit that the accused have received advance amount and thereafter they have refused to register the document and when it was questioned, they abused and assaulted the defacto complainant.

6.Taking into consideration the facts and circumstances of the case and considering the fact the injured has been discharged from the hospital and the petitioner has no bad antecedent, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Paramakudi, Ramanathapuram District, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter, every Saturday at 10.30 am until further orders.

[c] the petitioner shall not tamper with 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 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 229A IPC.

WEB COPY

sd/-
12/01/2023

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CM

TO

- 1 THE JUDICIAL MAGISTRATE,
PARAMAKUDI,
RAMANATHAPURAM DISTRICT.
- 2 -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3 THE INSPECTOR OF POLICE
PARTHIBANOOR POLICE STATION,
RAMANATHAPURAM DISTRICT .
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.MALAIMARAN.K Advocate SR.No.706(I)

ORDER
IN
CRL OP(MD) No.23003 of 2022
Date :12/01/2023

VA/VR/SAR-3/02.02.2023/3P/6C