



CRL OP(MD) No.463 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Eleventh day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.463 of 2024

SHAHUL HAMEED BADUSHA ... PETITIONER / ACCUSED No.5
Vs

THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
CR.NO.747/2023

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.JINNAH.S.M.A. Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CR.NO.747/2023 ON THE FILE OF THE
RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent Police for the alleged offence under Section 147, 448, 294(b), 323, 506(i) of IPC r/w. Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.747 of 2023, seek anticipatory bail.



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2. The case of the prosecution is that on 06.12.2023 at about 7.00 p.m., when the defacto complainant and her children were at home, the accused persons trespassed into her house and attacked them using stick and caused injuries, thereby, the defacto complainant made a complaint before the respondent Police.

3. The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Actually, when the petitioner went to the defacto complainant's house to ask the due amount to be paid by the defacto complainant, the defacto complainant entered quarrel with the petitioner and the false complaint has been preferred before the respondent Police. Hence, he prays for grant of anticipatory bail.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that three previous cases are pending against the petitioner and co-accused were already released on anticipatory bail in Crl.M.P.No.32216 of 2023 on the file of the learned Judicial Magistrate, Tirunelveli and other accused were granted anticipatory bail by the Principal District and Sessions Judge, Tirunelveli. Hence, he has no objection to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case and also considering the fact that the co-accused were granted anticipatory bail by the Court below, I am



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inclined to grant anticipatory bail to the petitioner.

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7. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Tirunelveli, 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

(d)the petitioner shall not tamper with evidence or witness either during investigation or trial;



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(e) the petitioner shall not abscond either during investigation or trial;

(f) 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 Supreme Court

in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(g) if the accused thereafter absconds, a fresh FIR can be registered under

Section 229-A IPC.

sd/-

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

INDU

TO

1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.

3 THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION, TIRUNELVELI DISTRICT.



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

ORDER
IN
CRL OP(MD) No.463 of 2024
Date :11/01/2024

SS/DD/SAR- /24/01/2024/5P/5C

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