



CRL OP(MD) No.2718 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Wednesday, the Twenty First day of February Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2718 of 2024

1 NAVAS @ NIVAS

2 MOHAMED MUSTAFA

3 SYED RASOOL

4 RAJA MOHAMED

5 MOHAMED RABEEK @ RABEEK ... PETITIONERS / ACCUSED No.1 TO 5

Vs

THE INSPECTOR OF POLICE
PUTHANATHAM POLICE STATION,
TRICHY DISTRICT.
CRIME NO.233 OF 2023.

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.SHEIK NASURDEEN Advocate

For Respondent : Mr.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.233 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.



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ORDER : The Court Made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 294(b), 323 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.233 of 2023, seek anticipatory bail.

2.The case of the prosecution is that there was a wordy quarrel between the parties during the relative's function, due to which, the petitioners came to the defacto complainant's house, abused them in filthy language and attacked them. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that the injured was already discharged from the hospital and however, considering the allegation levelled against the petitioners, he strongly opposed to grant anticipatory bail to the petitioners.



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5.Considering the facts and circumstances of the case and also considering the fact that the injured was already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Manapparai, 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)if the petitioners 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;



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(c)the petitioners shall report before the respondent police daily at 10.30 a.m.,
for a period of two weeks and thereafter, as and when required for interrogation;

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

(e)the petitioners 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 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;

(g)if the accused thereafter abscond, a fresh FIR can be registered under
Section 229-A IPC.

sd/-
21/02/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI



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TO

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- 1 THE JUDICIAL MAGISTRATE,
MANAPPARAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PUTHANATHAM POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.SHEIK NASURDEEN, Advocate (SR-2216[I] dated 22/02/2024)

ORDER

IN

CRL OP(MD) No.2718 of 2024

Date :21/02/2024

SS/GS/SAR- /26/02/2024/5P/6C

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