



CRL OP(MD) No.4261 of 2024

WEB COPY

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

Monday, the Eighteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4261 of 2024

1 MOHAMED YUSUF @ SHEIK MOHAMED

2 SARALA BEGAM

3 ABDUL KALAM ... PETITIONER / ACCUSED(RANK NOT KNOWN)

Vs

THE INSPECTOR OF POLICE
KOLLIDAM POLICE STATION, TRICHY DISTRICT.
CRIME NO. 59/2024

... RESPONDENT/COMPLAINANT

For Petitioner : MR.LENIN KUMAR Advocate

For Respondent : MR.P.KOTTAICHAMY, Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO. 59 OF 2024 ON THE FILE
OF THE RESPONDENT POLICE.



CRL OP(MD) No.4261 of 2024

ORDER : The Court Made the following order :-

WEB COPY

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 294(b) and 323 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, in Cr.No.59 of 2024, seek anticipatory bail.

2.The case of the prosecution is that when the defacto complainant's son went to purchase a grocery item in the petitioners' shop, the petitioners picked up a quarrel with him. When the same was questioned by the defacto complainant, they abused him in filthy language and also threatened her with dire consequences. 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 it is a case and case in counter and they have been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) submitted that it is a counter



CRL OP(MD) No.4261 of 2024

WEB COPY

case and no one has sustained injury in this case and the petitioners have no previous case. However, considering the nature of allegations, he vehemently opposed the grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that it appears to be a counter case and 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 District Munsif cum Judicial Magistrate, Srirangam, 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

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



CRL OP(MD) No.4261 of 2024

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 petitioners 1 and 3 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; the second petitioner shall report before the respondent police 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



CRL OP(MD) No.4261 of 2024

WEB COPY

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/-
18/03/2024

/ TRUE COPY /

/03/2024
Sub-Assistant Registrar (CS -I/ II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1.THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, SRIRANGAM.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.

3 THE INSPECTOR OF POLICE
KOLLIDAM POLICE STATION, TRICHY DISTRICT.

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

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-3369[I] dated 19/03/2024)



WEB COPY



CRL OP(MD) No.4261 of 2024

ORDER

IN

CRL OP(MD) No.4261 of 2024

Date :18/03/2024

RK/VR (22/03/2024) 6P / 6C

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