



CRL OP(MD). No.5749 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/04/2024

PRESENT

THE HON'BLE MR.JUSTICE B.PUGALENDHI

CRL OP(MD). No.5749 of 2024

Mohamed Hisham

... Petitioner/ Accused

Vs

The Inspector of Police,
Y.Othakadai Police Station,
Madurai District.
Crime No. 48/2024.

... Respondent/ Complainant

For Petitioner :Mr. D.S.HAROON RASHEED,
Advocate.

For Respondent : Mr.M.SAKTHI KUMAR,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 48 of 2024 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 427, 447 & 506(ii) and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime

No.48 of 2024 on the file of the respondent police, seeks anticipatory bail.

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



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2.The case of the prosecution is that the petitioner is the defacto complainant's elder brother's son. Due to previous enmity, the petitioner trespassed into the defacto complainant's house and threatened him with dire consequences.

3.The learned counsel appearing for the petitioner submits that there was a wordy altercation between the father of the petitioner and the defacto complainant and when the same was questioned by the petitioner, this case has been registered.

4.The learned Additional Public Prosecutor submits that the dispute is among the family members. No one is injured in this case.

5.Considering the nature of allegation and considering that no one is injured, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this criminal original petition is allowed and the petitioner 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 Judicial Magistrate Court, Melur on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand) with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate, Melur and on further conditions that:

- i. The petitioner and the sureties shall submit a copy of their



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Aadhaar Card or any other identity card issued by the Government in proof of their residence address;

- ii. The petitioner shall appear before the respondent police as and when required. He has to co-operate for the enquiry.
- iii. The petitioner shall not misuse the liberty granted to him by indulging in any further offence and shall not tamper with the prosecution witnesses. The petitioner shall be available for the trial as well.
- iv. On violation of any of the above conditions by the petitioner, the respondent police shall move an application for cancellation of the anticipatory bail.

sd/-
16/04/2024

/ TRUE COPY /

/04/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VRN
TO
1 THE JUDICIAL MAGISTRATE,
MELUR.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.



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3 THE INSPECTOR OF POLICE,
Y.OTHAKADAI POLICE STATION,
MADURAI DISTRICT.

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

ORDER IN
CRL OP(MD) No.5749 of 2024
Date :16/04/2024

SA/VR/SAR. /22.04.2024/4P/5C

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