



CRL OP(MD). No.14103 of 2024

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

Date : 28.08.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.14103 of 2024

Mohamed Ashik

... Petitioner/ Accused No.1

Vs

**The Inspector of Police,
Thiruchitrambalam Police Station,
Thanjavur District.
Crime No.395 of 2022.**

... Respondent/Complainant

For Petitioner : Mr.B.Anandan, Advocate.

**For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)**

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.395 of 2022 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
<https://www.mhc.tn.gov.in/judis>



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the alleged offence under Sections 294(b), 323, 506(i) and 379 (NP) of IPC, in Crime No.395 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that due to family dispute between the petitioner and the defacto complainant, the petitioner assaulted the defacto complainant, threatened him and taken away all the property and his money. Hence, the complaint.

3. Heard the learned counsel on either side and perused the material records of the case.

4. Considering the nature of the allegation that the aged defacto complainant was subjected to physical torture by his sons and that they have taken away his property and articles and considering the arguments of the learned Counsel for the petitioner that the defacto complainant at the advanced age got married again and that was accosted by his sons and therefore, the complaint was given, considering the over all facts and circumstances of the case, I am inclined to enlarge the petitioner on anticipatory bail with certain conditions.

5. Accordingly, this Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his 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, Peravurani, on condition that the petitioner shall

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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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 daily at 10.30 am for a period of three weeks and thereafter as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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 Supreme Court

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

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

229-A IPC.

sd/-

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/ 09 /2024

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

JBR

TO

1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE,
PERAVURANI.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THAJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE
THIRUCHITRAMBALAM POLICE STATION,
THANJAVUR DISTRICT.

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

+1 CC to M/s.B.ANANDAN, Advocate (SR-10583[I] dated 29/08/2024)



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ORDER
IN
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Date :28/08/2024

PSP/ SG /SAR /20.09.2024/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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