



CRL OP(MD). No.19763 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/11/2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1. Y. Abbas

2. A. Beermydeen

3. A. Jainul Abideen ... Petitioners/Rank unknown

Vs

The State of Tamilnadu,
Rep. by the Inspector of Police,
Mattuthavani Police Station,
Madurai District.
Crime No. 841 of 2024.

... Respondent/Complainant

For Petitioner : Mr. Jinnah. S.M.A, Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-
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For Anticipatory Bail in Crime No. 841 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 191(2), 191(3), 296(b), 118(1), 351(3) and 324(4) of BNS (hereinafter referred to as new penal code) in Crime No.841 of 2024 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 07.11.2024, the defacto complainant and his son were present at their tea shop. There was already a parking dispute between the parties. The accused persons are said to have come to the shop and there was a verbal quarrel and the defacto complainant was abused in filthy language and he was also assaulted with cool drinks bottle on his head, which resulted in the defacto complainant sustaining grievous injuries on his left eye. There are totally 5 named accused persons and three unnamed accused persons in this case and the petitioners have been arrayed as A1 to A3.

3.The learned counsel appearing for the petitioners submitted that the entire

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incident had taken place in the spur of the moment and that there is also a counter case in crime No.842 of 2024 and the accused persons also sustained injuries in this incident.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the second petitioner (A2) has already been arrested in this case. The first petitioner (A1) has seven previous cases pending against him and the third petitioner (A3) has no previous case against him. He further submitted that the defacto complainant sustained grievous injuries on his left eye.

5.The learned Counsel appearing for the intervenor/defacto complainant submitted that the defacto complainant sustained grievous injuries on his left eye, which resulted in the removal of his eye. The learned Counsel further submitted that the defacto complainant is undergoing treatment even now. He vehemently opposed the grant of anticipatory bail to the petitioners.

6.Taking into consideration the facts and circumstances of the case and considering the submissions made on either side and also considering the fact there was an earlier dispute between the parties, which resulted in the incident and



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considering the nature of injury that was sustained by the defacto complainant and the pendency of the investigation in the case and counter case registered in Crime Nos.841 and 842 of 2024 and considering the fact that there are seven previous cases pending against the first petitioner, this Court is inclined to grant anticipatory bail to the petitioner Nos.1 and 3. Accordingly, this criminal original petition is partly allowed and the petitioner Nos.1 and 3 are ordered to be released on anticipatory 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 No.VI, Madurai, on condition that the petitioner Nos.1 and 3 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 said Magistrate, on further condition that:

[a] if the petitioner Nos.1 and 3 fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner Nos.1 and 3 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.



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[c] the first petitioner shall report before the respondent police daily at 05.30 pm for a period of four weeks and thereafter, as and when required for interrogation.

[d]The third petitioner shall report before the respondent police every Monday and Friday at 05.30 pm for a period of four weeks and thereafter, as and when required for interrogation.

[e] the petitioner Nos.1 and 3 shall not tamper with evidence or witness either during investigation or trial;

[f] the petitioner Nos.1 and 3 shall not abscond either during investigation or trial;

[g] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner Nos.1 and 3 in accordance with law as if the conditions have been imposed and the petitioner Nos.1 and 3 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;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.



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7.Insofar as the second petitioner is concerned, since he has already been arrested and remanded to judicial custody, this criminal petition is dismissed.

sd/-
15/11/2024

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/11/2024

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

LR

TO

1. THE JUDICIAL MAGISTRATE NO.VI, MADURAI,
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
- 3.THE INSPECTOR OF POLICE,
MATTUTHAVANI POLICE STATION,
MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.19763 of 2024
Date :15/11/2024



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