



CRL OP(MD). No.22171 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

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Mohamed Fairul
(Wrongly mention as Fairul in FIR)

... Petitioner/ Accused 3

Vs

The State of Tamilnadu,
Rep By,
The Inspector of Police,
Nachiyarkoil,
Thanjavur District.
Cr.No.748 of 2024.

... Respondent/Complainant

For Petitioner : Mr.K.Althaf Sheriff, Advocate
For M/s.Ajmal Associates

For Respondent : Mr.B.Thanga Aravindh,
Additional Public Prosecutor

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Cr.No.748 of 2024 on the file of the respondent police.

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



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ORDER: The Court made the following order :-

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The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 333, 296(b), 118(1), 76, 351(3) and 49 BNS (hereinafter referred to as new penal code) in Crime No.748 of 2024 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a family dispute between the parties. On 30.10.2024, when the defacto complainant was preparing savories in her home, A1 is said to have entered the house and abused her in filthy language and pushed her in a hot oil. On account of which, she sustained burn injuries on the right hand and chest. After that, A1 called A2 and A3, who were standing outside and they came in and attacked the defacto complainant with hands and legs. There are totally four accused persons in this case and the petitioner has been arrayed as A3. He is the son of A4.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police.

4. Taking into consideration the facts and circumstances of the case and considering the fact that this petitioner had entered into the house only after A1 had already pushed the defacto complainant in hot oil and considering the fact that there



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was a previous family dispute between the parties and also considering the age of the petitioner and taking note of the fact that the injured had already been discharged from the hospital in this case, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, this criminal original petition is ordered and the petitioner is ordered to be released on anticipatory 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 learned Judicial Magistrate No.II, Kumbakoonam, on condition that the petitioner shall 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 the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

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

[b] 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.

[c] the petitioner shall report before the respondent police every Saturday and Sunday at 10.30 a.m for a period of six weeks and thereafter, as and when required for interrogation.



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[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[e] the petitioner 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 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
16/12/2024

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/12/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

LR
TO
1 THE JUDICIAL MAGISTRATE NO.II,
KUMBAKONAM.

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



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3 THE INSPECTOR OF POLICE,
NACHIYARKOIL,
THANJAVUR DISTRICT.

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-15504[I] dated
17/12/2024)

ORDER
IN
CRL OP(MD) No.22171 of 2024
Date :16/12/2024

SA/GSV/SAR. /27.12.2024/5P/6C

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