



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

Tuesday, the Seventeenth day of November Two Thousand Fifteen

PRESENT

THE HON`BLE MS.JUSTICE V.M.VELUMANI

CRL OP(MD) No.16680 of 2015

MOHAMMED SHAHABUDDIN

... PETITIONER/ ACCUSED No.1

Vs

1. THE INSPECTOR OF POLICE , KARATAGI POLICE STATION,
GANGANVATHI RURAL CIRCLE, KOPPAL DISTRICT,
KARNATAKA STATE,
IN CRIME NO. 167 OF 2015

2. THE INSPECTOR OF POLICE
SAKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT.
TAMIL NADU.

... RESPONDENTS / COMPLAINANTS

For Petitioner : M/S R.RAJENDRAN Advocate

For Respondents : MR.K.ANBARASAN Govt. Advocate (Crl. Side)

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

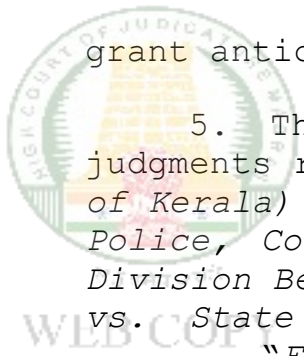
ORDER : The Court Made the following order :-

The petitioner, who is arrayed as accused No.1, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 406 and 420 of I.P.C., in Crime No.167 of 2015 on the file of the respondent police and hence, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with the other accused cheated the de-facto complainant for Rs.36,80,000/- in the business transaction in Karnataka State. Hence, the de-facto complainant gave a complaint before the first respondent police against the accused.

3. The learned counsel for the petitioner submitted that the petitioner is residing at second respondent territorial jurisdiction. Therefore, he apprehends arrest by the second respondent police.

4. The learned Government Advocate (Crl.side) submitted that the offence had taken place within the jurisdiction of A1 in Karnataka State and this Court has no territorial jurisdiction to



grant anticipatory bail.

5. The learned counsel for the petitioner relied on two judgments reported in 2013 (2) MWN (Cr.) 109 (Sarvadhikari v. State of Kerala) and 2007 (1) MLJ (Cr.) 729 (S.S.Sambandan v. Inspector of Police, Coimbatore City and another) and in the judgement of the Division Bench reported in 1992 L.W. (Crl.) 475 (S.P.Shanthi Swaroop vs. State of Tamil Nadu), it is held as follows:

"For the foregoing reasons, we hold that the High Court or the Court of Session has got power under Section 438 of Cr.P.C., to grant anticipatory bail irrespective of the locale of the Commission of the offence. In other words, in respect of persons who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court was having jurisdiction, this Court can grant them anticipatory bail. However, we wish to observe that while granting anticipatory bail, this Court has to restrict the relief for a limited period and to direct the concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the petitioners available for interrogation by the concerned police in the mean time. The reference is answered accordingly."

6. In view of the judgment of the Division Bench referred to above and orders passed by this Court and considering the facts and circumstances of the case, without deciding the merits on the complaint, this Court is inclined to grant anticipatory bail to the petitioner for a period of three weeks to enable him to move a petition for anticipatory bail before the territorial jurisdiction Court. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest or on his appearance before the learned Judicial Magistrate, Karaikudi and on his executing 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 learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.00 a.m.

sd/-
17/11/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE KARAIKUDI

2. THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGI DISTRICT

3. THE INSPECTOR OF POLICE, KARATAGI POLICE STATION,
GANGANVATHI RURAL CIRCLE, KOPPAL DISTRICT,
KARNATAKA STATE,

4. THE INSPECTOR OF POLICE, SAKOTTAI POLICE STATION,
SIVAGANGAI DISTRICT, TAMIL NADU.

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

+1. CC to M/S J.SENTHIL KUMARIAH Advocate SR.No.65835

ORDER

IN

CRL OP (MD) No.16680 of 2015

Date :17/11/2015

GJM/ARKJ/ZK/ARII-20.11.2015-3p-7c