



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of March Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.2843 of 2015

L.ABDUL KADAR JAILANI

..PETITIONER/SOLE ACCUSED

Vs.

STATE REP.BY THE SUB INSPECTOR OF POLICE
ANNA NAGAR CRIME POLICE STATION,
MADURAI.

CR.NO.NOT KNOWN OF 2015

..RESPONDENT/COMPLAINANT

For Petitioner : M/S.M. SHEIK ABDULLAH Advocate

For Respondent : Mr.A.P.BALASUBRAMANI, Government Advocate (Crl.Side)

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

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) and 506 (i) of I.P.C in Crime No.Not Known of 2015 on the file of the respondent police, seeks anticipatory bail.

2. Heard the learned counsel for the petitioner and the learned Government Advocate(Crl. Side) for the State.

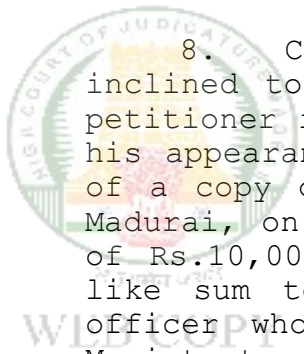
3. No regular case has been registered and only a petition enquiry in C.S.R.No.133 of 2014 is pending before the respondent police. Hence, this Court had granted interim anticipatory bail to the petitioner with a direction to the petitioner to appear before the respondent police daily at 06.30 p.m., for a period of two weeks.

4.Today the respondent police is present and on instructions, the learned Government Advocate(Crl. Side) would submit that the petitioner complied with the orders of this Court by reporting before the respondent police. He would further submit that the police have not registered a regular case as of it.

5. Therefore, this Court called for the complaint, which is under enquiry and perused the same.

6. On a reading of the complaint, it appears that the defacto complainant is running a mobile dealership shop and this petitioner is a cell-phone vendor. It is stated in the complaint that between 01.09.2015 and 31.10.2014, the defacto complainant had sold cell-phones to the petitioner to the tune of Rs.1,54,202/- and the petitioner has also paid substantial amounts for the purchase and that only a sum of Rs.54,384/- is payable to the defacto complainant. Thus, the complaint essentially appears to be a commercial dispute between the petitioner and the defacto complainant.

<https://hcservices.courts.gov.in/hcservices> 7. In the circumstances, anticipatory bail is granted to the petitioner with certain conditions.



8. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. Accordingly, 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 learned Judicial Magistrate No.VI, Madurai, 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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]**.

8. In the event of the respondent police registering a regular case, this anticipatory bail granted to the petitioner will enure to the benefit of the petitioner and he need not apply for fresh anticipatory bail.

sd/-
18/03/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1 THE JUDICIAL MAGISTRATE NO.VI, MADURAI.

2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE, MADURAI.

3 THE ADDL.PUBLIC PROSECUTOR,MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

4 THE SUB INSPECTOR OF POLICE, ANNA NAGAR CRIME POLICE STATION, MADURAI.

+1. CC to M/S.M. SHEIK ABDULLAH Advocate SR.No.12910

ORDER IN
CRL OP(MD) No.2843 of 2015
Date :18/03/2015

PBK 20/03/2015 ::2P-6C: