



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

Monday, the Twenty Seventh day of June Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.10322 of 2016

(*)NIZAR @ MOHAMED NIZARUDEEN

... PETITIONER/ACCUSED NO.4

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT,
CR.NO.113/2016

... RESPONDENT / COMPLAINANT

For Petitioner : M/S J.M.HASSANUL BAZARI Advocate

For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

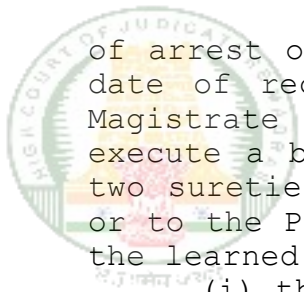
The petitioner, who is arrayed as accused No.4, apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 427, 323, 452, 294(b), 506(ii), 379(NH) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and Section 3 of TNPPDL Act, in Crime No.113 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that on 20.02.2016, the petitioner along with other accused persons trespassed into the house of the defacto complainant and damaged the computer and other household articles worth Rs.2,00,000/- and threatened the defacto complainant. On complaint, case has been registered for the above said offences.

3.The case of the petitioner is that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. The defacto complainant is the wife of A1. A2 is the second wife of A1. There was a matrimonial dispute, the defacto complainant filed O.S.No.23 of 2006, before the District Munsif Court, Ramanathapuram and the same was dismissed and only based on the confession of A1, this petitioner has been falsely implicated in this case. All the accused persons were arrested and enlarged on bail by the Principal District and Sessions Judge, Ramanathapuram in Cr.M.P.No.1136 of 2016, dated 20.04.2016.

4.Heard the learned Government Advocate (Crl.Side).

<https://hcservices.ecourts.gov.in/hcservices/> 5.Considering the facts of the case, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions. Accordingly, the petitioner 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.I, Ramanathapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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 condition that:

- (i) the petitioner shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the conditions or not.

sd/-

27/06/2016

(*)Amended as per order of this Hon'ble Court

made in CrI.MP(MD)No.5703/16 in CrI.OP(MD)No.10322/16

dated 18.07.2016 by VMVJ.

()Time for complying with the condition imposed by this Court is extended for a period of one week from today.**

sd/-

18/07/2016

/ TRUE COPY /

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

TO

To be substituted the order copy already despatched on 30.06.2016.

- 1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM
- 2 DO THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.
- 3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- 4 THE INSPECTOR OF POLICE, DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT,

+1. CC to M/S J.M.HASSANUL BAZARI Advocate SR.No.37404

ORDER

IN

CRL OP(MD) No.10322 of 2016

Date :27/06/2016