

IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Tuesday, the Fourteenth day of November Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice P. N. PRAKASH

CRIMINAL ORIGINAL PETITION No.20836 of 2017

SHEIK ABDUL KADHAR,

[ PETITIONER / ACCUSED ]

Vs

INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
NAGAPATTINAM,  
NAGAPATTINAM DISTRICT.  
CR.NO.09 OF 2017

[ RESPONDENT ]

For Petitioner : M/S.R.JOHN SATHYAN Advocate

For Respondent : MR. K.MADHAN, Govt. Advocate ( CrI. Side)

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

ORDER : The Court Made the following order :-

This is the third anticipatory bail petition. The first anticipatory bail petition in CrI.O.P.No.14031 of 2017 was dismissed on 10.08.2017 and the second anticipatory bail petition in CrI.O.P.No.18817 of 2017 was dismissed as withdrawn on 11.09.2017.

2.It is the case of the defacto complainant that the accused was in love with her and promised to marry her, but later on, he reneged. Hence, the present FIR.

3. Today, Mrs.R.Thangam, Sub Inspector of Police, All Women Police Station, Nagapattinam, is present before this Court. On instructions, learned Government Advocate (CrI.side) submitted that the defacto complainant and the accused have arrived at a compromise in the local Jammath by which, the defacto complainant has given a letter to the police agreeing to withdraw the complaint given by her. A copy of the agreement entered into in the Jammath and the letter given by the defacto complainant have been submitted to this Court.

4.In such view of the matter, this Court feels that it is a fit case for grant of anticipatory bail.

5. 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.I, Nagapattinam, 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 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.

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

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

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

[e] 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-  
14/11/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,  
NO.I, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
NAGAPATTINAM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

4 INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION, NAGAPATTINAM,  
NAGAPATTINAM DISTRICT.

+1 CC to M/S.R.JOHN SATHYAN Advocate on payment of necessary  
charges-Sr.20961

CRL OP.20836/2017

Date :14/11/2017

ths : 16.11.2017