

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Ninth day of May Two Thousand Eighteen

PRESENT

The Hon`ble Mrs Justice S. RAMATHILAGAM

CRIMINAL ORIGINAL PETITION No.12698 of 2018

SHAHUL HAMEED @ SHAHUL AMEED

[PETITIONER / ACCUSED]

Vs

STATE REP. BY ITS
INSPECTOR OF POLICE,
R-9, VALASARAVAKKAM POLICE STATION,
CHENNAI.
CR.NO.127/2018

[RESPONDENT]

For Petitioner : M/S.R.ASOKAN Advocate

For Respondent : MR.M.MOHAMED RIYAZ,ADDL.PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioner, who apprehend arrest for the alleged offences under Sections 465, 468, 474 & 420 of IPC in Crime No.127 of 2018 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the petitioner has filed suit in O.S.No.247/2010 before the City Civil Court, for bare injunction against the landlord by producing fabricated documents and the said document has been sent for expert opinion and the expert has given his opinion stating that the document is a forged one.

4. The learned counsel for the petitioner submitted that the petitioner is no way connected with the offence and he has been falsely implicated in this case. and hence, the petitioner may be granted anticipatory bail.

5. The learned Additional Public Prosecutor submitted that the injured has been discharged from the hospital and there is no previous case pending against the petitioner.

6. Taking into consideration the nature of allegations against the petitioner and that the injured has been discharged from the hospital and the fact that there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to

the petitioner subject to the following conditions.

7. (i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Poonamallee, within a period of 15 days from the date of receipt of a copy of this order, 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 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] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] The petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

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

[d] the petitioner shall not tamper with evidence or witness 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]**.

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

-sd/-

09/05/2018

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, POONAMALLEE

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
R-9, VALASARAVAKKAM POLICE STATION
CHENNAI

+1 CC to M/S.R.ASOKAN Advocate on payment of necessary charges
SR.NO. 8936

CRL OP.12698/2018

Date :09/05/2018

RD 10/05/2018