



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.1153 of 2018

ABDUL GANI SAIT

... PETITIONER/1st ACCUSED

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
PETTAI POLICE STATION,
TIRUNELVELI.
IN CRIME NO.19/2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.K.THAMEEMUL ANSARI Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 506(ii) of IPC. r/w Section 4 of Prohibition of Harassment of Women Act , in Crime No.19 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the tenant in the de-facto complainant's shop. For the past 1½ years, he did not pay the rent. On 18.01.2018, when the de-facto complainant asked the petitioner to pay the arrears of rent, the petitioner along with other accused abused the de-facto complainant and assaulted her. Hence, the case has been registered for the above said offences.

3. The learned counsel appearing for the petitioner submitted that now the petitioner vacated the shop and handed over the key to the de-facto complainant and the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit that he has been falsely implicated in this case. Hence, he prayed for anticipatory bail for the petitioner.

4. The learned Government Advocate (Criminal side) appearing for the respondent on instructions, would submit that totally there



are three accused in this case, A2 and A3 were already arrested and remanded to judicial custody. The petitioner is the A1 and nobody was injured in the said occurrence and the investigation is still pending.

5. The submissions made by the learned counsel on either side are considered. It is alleged that due to the dispute over the tenancy, the petitioner herein along with two other accused assaulted the defacto complainant. In the alleged occurrence, nobody was injured. Except the offence under Section 506(ii) of IPC and Section 4 of Prohibition of Harassment of Women Act, all other petition mentioned offences are bailable in nature. Hence, custodial interrogation is not necessary for completing the investigation. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. 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 on which the order copy is made ready, before the learned Judicial Magistrate No.V, Tirunelveli, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each 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 three weeks and thereafter, as and when required for interrogation;

(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 anticipatory bail granted to the petitioner shall stand automatically cancelled and 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 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]**.

sd/-
24/01/2018

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



1 THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT

3 THE INSPECTOR OF POLICE
PETTAI POLICE STATION, TIRUNELVELI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.M.SUBASH BABU, Advocate SR.No.1348

ORDER
IN
CRL OP(MD) No.1153 of 2018
Date :24/01/2018

SMA/PM-PN/SAR-1/01.02.2018:3P/6c