



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

Thursday, the Fifteenth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.2220 of 2018

MOHAMED HANIFA

... PETITIONER/1st ACCUSED

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.81 OF 2018)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.S.MUNIYANDI Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

For Intervenor : M/S.JAGADEESH PANDIAN, Advocate

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 Sections 294(b), 452, 341 and 506(ii) of IPC., r/w Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, in Crime No.81 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that on 07.02.2018, the petitioner and other accused unlawfully entered into the place of the defacto complainant and tried to remove the CCTV Camera installed by the defacto complainant, due to which, a wordy quarrel arose between them. Thereby, the petitioner and other accused abused by using filthy language and threatened the defacto complainant. Hence, this case has been registered for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he is no way connected with the alleged offence and pleads for grant of anticipatory bail to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/>

4. The learned counsel appearing for the intervenor submitted that one Latha is residing as tenant in the defacto



complainant's house. The petitioner and the said Latha have illegal intimacy. The defacto complainant's husband died 9 years back, hence, she is living with her two sons and daughter. On suspicion over the damage of the septic tank pipe, the defacto complainant fixed a CCTV Camera in the front side and back side of the house and also in upstairs. Thereby, the petitioner trespassed into her house and threatened her to remove the CCTV camera. He further submitted that previously, the petitioner is involved in a job rocketing case, which was also published in the newspaper and he also produced the same. Hence, he prays for dismissal of this application.

5. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the investigation is going on. He further submitted that there was a list of cases pending against the petitioner.

6. The submissions made by the learned counsels appearing for either side are considered. The defacto complainant and the petitioner are neighbours. Previous to the alleged occurrence, the defacto complainant fixed a CCTV Camera in her house, which was focused towards the petitioner's house. Due to the enquiry with regard to the fixing of CCTV Camera, the petitioner herein along with his wife abused the defacto complainant in and around the public. Thereby, this case has been registered against the petitioner. Further, considering the nature of offence committed by the petitioner, custodial interrogation may not be necessary for completing the investigation. Eventhough, the petitioner is having three previous cases, those cases are not registered for heinous offences. So, considering the nature of offence committed by the petitioner and also considering the 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 Additional Mahila Court (Magisterial Level), Madurai, 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 Inspector of Police, Allinagaram Police Station, Theni District, daily at 10.30 a.m., until further orders;

(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]**.

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sd/-
15/02/2018

/ TRUE COPY /

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

TO

- 1 THE ADDITIONAL MAHILA COURT/ (MAGISTERIAL LEVEL), MADURAI
- 2 DO THROUGH THE CHEIF JUDICIAL MAGISTRATE, MADURAI
- 3 THE INSPECTOR OF POLICE,
KARIMEDU POLICE STATION, MADURAI DISTRICT.
- 4 THE INSPECTOR OF POLICE,
ALLINAGARAM POLICE STATION, THENI DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MUNIYANDI Advocate SR.No.2513

ORDER
IN
CRL OP(MD) No.2220 of 2018
Date :15/02/2018

PK/CM/SAR-2/19.02.2018 : 3P/7C