



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

Friday, the Second day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3024 of 2018

HAJA MOHIDEEN

... PETITIONER/ACCUSED No.1

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.17 OF 2018.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.KARUPPASAMY PANDIYAN, Advocate

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

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

ORDER : The Court Made the following order :-

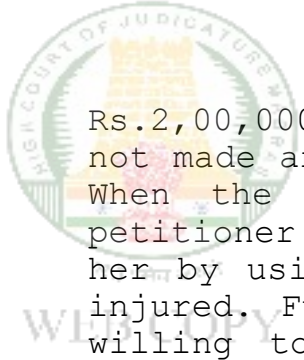
The petitioner, who is arrayed as accused no.1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 355, 506(i) of IPC and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.17 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and other accused are said to have attacked the defacto complainant, by using broom stick and also abused her in filthy language. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution and his name has been falsely implicated in this case.

4.The learned Government Advocate (Criminal Side) would submit that the investigation of the case is not yet completed.

5. The submissions made by the learned counsel appearing on either side are considered. It is alleged that during the time of occurrence, the petitioner herein has received a sum of



Rs.2,00,000/- for arranging job at Malaysia and thereafter, he had not made any arrangement as agreed at the time of receiving amount. When the same was questioned by the defacto complainant, the petitioner herein abused her in filthy language and also assaulted her by using broomstick and in the alleged occurrence, nobody was injured. Further, the learned counsel appearing for the petitioner willing to deposit a sum of Rs.50,000/- to show his bonafide. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.

6. 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, Sivagiri, Thirunelveli District, 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 deposit a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the credit of Crime No.17 of 2018, on the file of the learned Judicial Magistrate, Sivagiri, Thirunelveli District, without prejudice to his defence before the trial Court.
- (ii) the petitioner shall stay at Rajapalayam and report before the Inspector of Police, South Police Station, Rajapalayam, daily at 10.30 am 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 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]**.

sd/-
02/03/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE,
SIVAGIRU, TIRUNELVELI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
SIVAGIRI POLICE STATION, TIRUNELVELI DISTRICT.

4 THE INSPECTOR OF POLICE
SOUTH POLICE STATION, RAJAPALAYAM.

5 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.G.KARUPPASAMY PANDIYAN Advocate SR.No.3357

ORDER

IN

CRL OP(MD) No.3024 of 2018

Date :02/03/2018

PK/CSL/SAR-2/06.03.2018 : 3P/7C