

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mrs Justice V.BHAVANI SUBBAROYAN

CRIMINAL ORIGINAL PETITION No.12942 of 2019

BASHEER @ BUNK BASHEER @ [PETITIONER / ACCUSED]
BASHEER MOHAMMED,

Vs

STATE REP. BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ERAVANCHERRY POLICE STATION,
THIRUVARUR DISTRICT.
CRIME NO.40/2019.

For Petitioner : M/S.T.MURUGANANTHAM Advocate

For Respondent : M/S.S.T.THANKIRA, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner/Accused No.2, who apprehends arrest at the hands of the respondent Police for the alleged offences under Sections 341, 294B, 324 and 506(ii) in Crime No.40 of 2019, on the file of the respondent/Police, seeks anticipatory bail.

2.The case of the prosecution is that there was totally three accused in this case. Due to love affair between the Accused No.1 and sister-in-law of the defacto complainant, there was a quarrel between the defacto complainant and accused persons and all the three accused attacked defacto complainant Hence, the complaint.

3.The learned counsel for the petitioner would submit that the allegations levelled against the petitioner are totally false and he has been falsely implicated in this case. Hence, he prays for grant of Anticipatory Bail to the petitioner.

4.The learned Government Advocate (Criminal Side) would submit that there was no previous case against the petitioner and the victim was also discharged from the Hospital. However, she opposed to grant Anticipatory Bail to the petitioner.

5.Considering the facts and circumstances of the case, 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 made ready, before the learned Judicial Magistrate, Nannilam on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties 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, failing which this petition for anticipatory bail shall stand dismissed and on further conditions 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 thereafter 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 petitioners 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 abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-
15/05/2019

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,
NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ERAVANCHERRY POLICE STATION,
THIRUVARUR DISTRICT.

+1 CC to M/S.T.MURUGANANTHAM Advocate on payment of necessary
charges SR.NO.9898

CRL OP.12942/2019

Date :15/05/2019

TA-21/05/2019