

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of December Two Thousand Nineteen

PRESENT

The Hon`ble Mr Justice N. SESHASAYEE

CRIMINAL ORIGINAL PETITION No.33864 of 2019

SHAIK DAWOOD

[PETITIONER / ACCUSED]

Vs

THE STATE REP.BY ITS
THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
THIRUPPUR CITY.
CR.NO.13 OF 2019.

[RESPONDENT]

For Petitioner : M/S.GREETHA SENTHILKUMAR Advocate

For Respondent : MR.S.THANKIRA Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 406 & 420 of IPC in Crime No.13 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The petitioner is arrayed as A2 based on the confession statement given by A1.

3. The learned counsel for the petitioner submitted that as per the First Information Report, A1 introduced himself to the *defacto* complainant as he engaged in dying business and in the process, the *defacto* complainant parted with textile worth Rs.44,00,000/-. Since neither material nor the money came back, the complaint was registered against A1. The learned counsel further submitted that the petitioner's name does not figure in the First Information Report and only based on the confession statement given by A1, he has been robed in the FIR.

4. The learned Government Advocate (Crl.Side) submitted that A1 has made a confession statement to the police in the course of the Investigation to the effect that he has entered into a contract with A2 for sale of the said goods for lower than the market price and towards that contract, he has received a sum of Rs.1,00,000/-.

5. Given the fact that the petitioner's name does not find in the First Information Report and no material has been obtained to

show that A1 has actually parted with A2, this Court deems it appropriate to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory 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-III, Thiruppur, on condition that the petitioner shall execute 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 said Magistrate, on further condition 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 daily at 10.30.a.m., for a period of one week and 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 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]**.

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

-sd/-

18/12/2019

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,
NO.III, THIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

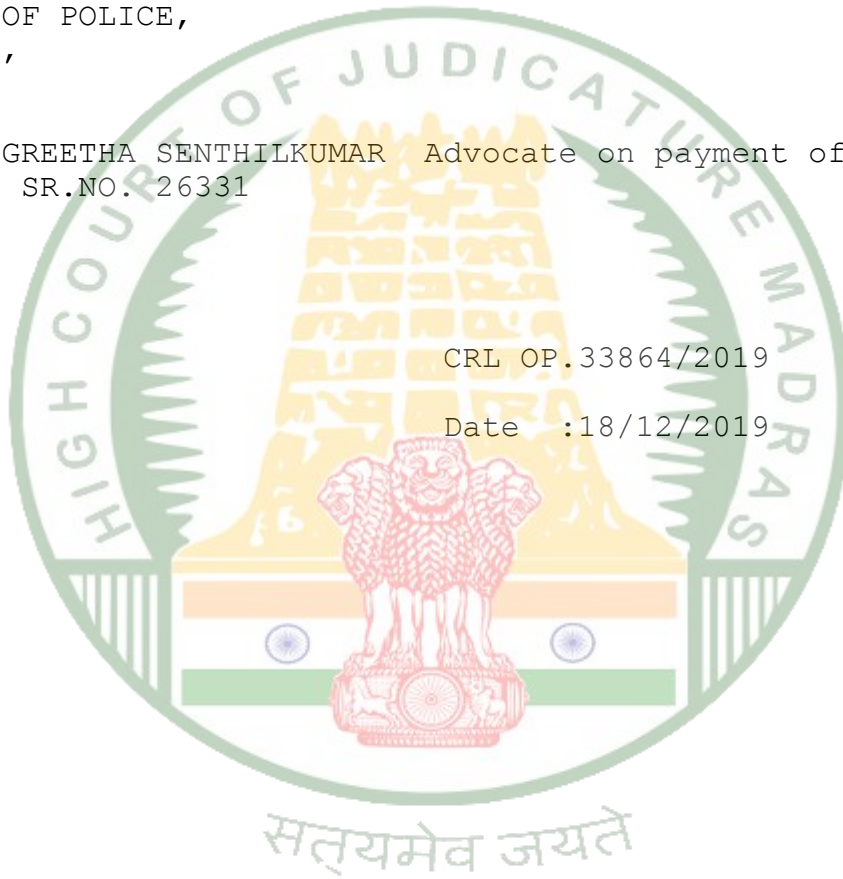
4 THE INSPECTOR OF POLICE,
CITY CRIME BRANCH,
THIRUPPUR CITY.

+1 CC to M/S.GREETHA SENTHILKUMAR Advocate on payment of
necessary charges SR.NO. 26331

CRL OP.33864/2019

Date :18/12/2019

RD 27/12/2019



WEB COPY