



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

Thursday, the Fourteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3893 of 2019

NASAR ALI

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI.
CRIME NO.94/2019

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.S.M.A.JINNAH, Advocate
For Respondent : Mr.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl.Side)

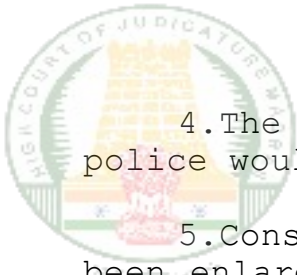
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 342, 420, 506(ii) and 379 IPC in Cr.No.94 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that on the advice of one Thameem, the defacto complainant along with Thameem went to Tirunelveli in his Innova car, in order to borrow a loan amount for his brother-in-law's friend. When they waiting at Melapalayam, the petitioner along with other accused persons Pandi and Durai Pandi, suddenly attacked the Thameem, and snatched the cellphone of the defacto complainant and stating that the said Thameem has to pay a sum of Rs.15,00,000/- to the accused persons and if the defacto complainant paid that amount, they would release the Thameem and for that purpose they obtained signature from the defacto complainant in stamp papers and left the defacto complainant in Tirunelveli Bus Stand. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution. The co-accused persons have already been enlarged on bail. Hence, he prayed for anticipatory bail.



4.The learned Government Advocate (Crl.Side) for the respondent police would submit that investigation is not yet completed.

5.Considering the fact that the co-accused persons have already been enlarged on bail, this Court is inclined to grant anticipatory bail to the petitioner. 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 No.V, Tirunelveli, 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 learned Magistrate concerned and on further condition that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned 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 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]**; and;

(f)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

14/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V,
TIRUNELVELI.



2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI.

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

+1. CC to Mr.S.M.A.JINNAH Advocate SR.No.4697

ORDER

IN

CRL OP (MD) No.3893 of 2019

Date :14/03/2019

MS/VR/SAR-3/15.03.2019/3P.6C