

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
 (Criminal Jurisdiction)
 Tuesday, the Thirtieth day of April Two Thousand Nineteen
 PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.6535 of 2019

MOHAMED SALIM

... PETITIONER /SOLE ACCUSED

Vs

STATE REP. BY
 THE INSPECTOR OF POLICE,
 RAMJEE NAGAR POLICE STATION,
 TRICHY DISTRICT.
 CRIME NO. 40 OF 2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.K.V.RAJARAJAN 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 offence under Sections 294(b), 324,355 and 506(ii) of IPC in Cr.No.40 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant had illegal intimacy with the petitioner's mother and when the same was questioned by the petitioner, there was a wordy quarrel, in which the petitioner abused the defacto complainant, assaulted him and threatened him with dire consequences. 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 and he is an innocent person. He would also submit that when he questioned about the illegal act of the defacto complainant, a false case has been registered against him.

4.The learned Government Advocate(Crl.side) appearing for the respondent police did not dispute the fact submitted by the learned counsel for the petitioner.

5.Considering the facts and circumstances of the case , 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.III, Trichy District 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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
30/04/2019

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III,
TRICHY DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
- 3 THE INSPECTOR OF POLICE,
RAMJEE NAGAR POLICE STATION,
TRICHY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.A.SATHIYA CHIDAMBARAM, Advocate SR-7927

ORDER
IN
CRL OP(MD) No.6535 of 2019
Date : 30/04/2019