



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

Tuesday, the Twenty Second day of January Two Thousand Nineteen

WEB COPY

PRESENT

**The Hon`ble Mr.Justice M.NIRMAL KUMAR**

**CRL OP(MD) Nos.790 & 797 of 2019**

1 NASEER @ ABDUL NASEER

2 SAMSUL HUDHA

3 IBRAHIM @ MOHAMED IBRAHIM

... PETITIONER/ACCUSED No.2 to 4  
IN CRL OP(MD)No.790/2019

UMAR FAROOK

... PETITIONER/ACCUSED No.1  
IN CRL OP(MD)No.797/2019

Vs

THE STATE REP.BY,  
THE INSPECTOR OF POLICE  
B-1, VILAKUTHOON POLICE STATION,  
MADURAI CITY.  
IN CRIME NO.1012/2018

... RESPONDENT/COMPLAINANT  
IN BOTH PETITIONS

For Petitioners : MR.A.BALAJI, Advocate  
IN CRL OP(MD)No.790/2019

For Petitioner : MR.D.S.HAROON RASHEED, Advocate  
IN CRL OP(MD)No.797/2019

For Respondent : MR.K.SUYAMBULINGA BHARATHI,  
Government Advocate(Crl.Side)  
IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the offences under Sections 294(b), 384, 406, 420 and 506(ii) IPC in Crime No.1012 of 2018 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the *de facto* complainant Syed Kasim and Al's father Lt.Basheer Ahamed have entered into a business agreement on 27.02.2017 and the agreement is valid for a period of 10 days. Initially, the *de facto* complainant had given Rs.2,25,000/- for business venture and after the venture is over,



the first accused father has to repay Rs.2,75,000/- Since the first accused father has passed away on 25.08.2018, this *de facto* complainant had approached the petitioners 1 to 4 and having not only failed to repay the money but also threatened him.

3. The learned Government Advocate (Crl., side) submitted that the *de facto* complainant has approached the learned Judicial Magistrate No-II, Madurai by filing Cr.M.P.No.3034 of 2018 under Section 156(3) Cr.P.C and then only this case has been registered. Investigation has been conducted and it is found that the petitioners have nothing to do with the case.

4. Taking into consideration the submissions made by the learned counsel appearing on either sides, this Court is inclined to grant anticipatory bail to the petitioner.

5. 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-I, Madurai 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
22/01/2019

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



1 THE JUDICIAL MAGISTRATE NO.I, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI

3 THE INSPECTOR OF POLICE  
B-1, VILAKUTHOON POLICE STATION,  
MADURAI CITY.

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

+1. CC to MR.A.BALAJI, Advocate SR.No.1112

+1. CC to MR.D.S.HAROON RASHEED, Advocate SR.No.1111,

ORDER

IN

CRL OP(MD)Nos.790&797 of 2019

Date :22/01/2019

STS

PK/JC/SAR-2/31.01.2019 : 3P/7C