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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9305 of 2019

A.Mohammed Shajahan

... Petitioner/Single Accused

Vs

The State Represented by
The Inspector of Police,
Ilayangudi Police Station,
Ilayangudi, Sivagangai District
Crime No.186 of 2019

... Respondent/Complainant

For Petitioner : M/s.B.Prahalad Ravi,
Advocate.

For Respondent : Mrs.Anantha Devi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Cr.No. 186 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

Memo filed by the petitioner dated 11.07.2019 ie recorded.

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427, 506(ii) of IPC and Section 4 of TNPHW Act seeks anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in the above case. He would also submit that the petitioner is ready to deposit Rs.2000/- to the credit in crime number without prejudice



to his rights and defence before the trial court. Hence, he prayed to grant of anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent has submitted that the petitioner herein had abused the defacto complainant in filthy language and also caused damage to the compound wall worth Rs.2000/-. However, she opposed anticipatory bail on the ground that investigation is still pending.

5.Taking into consideration the fact that no one sustained injuries in the said occurrence and also the fact that the petitioner has come forward to deposit a sum of Rs.2000/- to the credit in crime number without prejudice to his rights and defence , this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

[6] Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Illayankudi, Sivagangai 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] if the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] before executing bail bond the petitioner without prejudice to his rights and defence the petitioner shall deposit a sum of Rs.2000/- to the credit in crime number 186 of 2019 before the learned Judicial Magistrate, Illayankudi, Sivagangai District

[c]the petitioner shall report before the respondent Police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required for the interrogation.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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.R.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



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

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

TO

1. THE JUDICIAL MAGISTRATE
ILLAYANKUDI, SIVAGANGAI DISTRICT.
 2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
ILAYANGUDI POLICE STATION,
ILAYANGUDI, SIVAGANGAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.B.PRAHALAD RAVI Advocate SR.No.74929

ORDER
IN
CRL OP(MD) No.9305 of 2019
Date : 11/07/2019

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TK/VR/SAR.3/18.07.2019/3P/6C