



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

Tuesday, the Twenty Ninth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP (MD) No.20495 of 2018

SHEIK ABDULLA

... PETITIONER / ACCUSED NO . A2

Vs

THE STATE OF TAMIL NADU
THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
RAMANATHAPURAM DISTRICT.
(IN CRIME NO. 22 OF 2016)

... RESPONDENT / COMPLAINANT

F.VINCENT JEYAKUMAR

... PETITIONER/INTERVENER

For Petitioner : Mr.R.BABU JAGANATH Advocate

For Respondent : Mr.K.SUYAMBULINGA BHARATHI Govt. Advocate
(Crl. Side)

For Intervener : D.SENTHIL, Advocate

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 offences punishable under Sections 420 and 506(i) of IPC in Crime No.22 of 2016 seeks anticipatory bail.

2. The case of the prosecution is that a sum of Rs.15,00,000/- was handed over to the petitioner's father by the defacto complainant for erecting Water Plant. Further sum of Rs.2,20,000/- was also handed over to the petitioner's father and thereafter, without informing to the defacto complainant, the accused were sold out the plant to some other person. Hence, the defacto complainant demanded the said amount, however, they did not settle the same to the defacto complainant. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is the son of the first accused, who was no more. The petitioners has not committed any offences as alleged by the prosecution and he has been falsely implicated in this case.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Crl.side) would submit that



investigation is pending.

5. Taking into consideration the facts of the case and the submissions by learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioner.

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6. 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 Judicial Magistrate Court No.II, Ramanathapuram 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 said Magistrate, on further condition that:

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

[b] the petitioner shall deposit a sum of Rs.1,00,000/- (Rupees one lakh only) to the credit of Crime No.22 of 2016 before the Judicial Magistrate Court No.II, Ramanathapuram District, without prejudice to his defence before the trial Court.

[c] the petitioner shall report before the respondent as and when required for 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.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

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

sd/-
29/01/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to Mr.R.BABU JAGANATH Advocate SR.No.1904

+1. CC to Mr.D.SENTHIL Advocate SR.No.1742

PS/PN/SAR-4/06.02.2019/3P/7C

ORDER

IN

CRL OP(MD) No.20495 of 2018

Date :29/01/2019