



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10344 of 2019

Shahul Hammed

... Petitioner/Accused No.3

Vs.

State Rep.by
The Inspector of Police,
District Crime Branch,
Thanjavur,
Thanjavur District.
(Crime No.15/2007)

... Respondent/Complainant

For Petitioner : M/s.D.R.Murugesan,
Advocate.

For Respondent : Mr.V.Neelakandan,
Additional Public Prosecutor

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

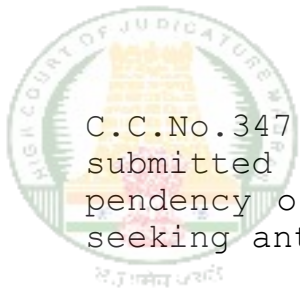
PRAYER :-

For Anticipatory bail in Cr.No.15/2007 on the file of the respondent police.

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 406, 419 and 420 of IPC, in Crime No.15 of 2007, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that the charge sheet was filed by showing that the petitioner was absconding and based on the said charge sheet, the learned Judicial Magistrate, Pattukottai has taken the case in C.C.No.407 of 2012 and since the petitioner was in abroad, the petitioner did not know about the pendency of the said case. He further submitted that the learned Judicial Magistrate, has split up the case against the petitioner and assigned a new number as



C.C.No.347 of 2017 and issued NBW against the petitioner. He further submitted that recently, the petitioner came to know about the pendency of the said case and hence, he filed the present petition seeking anticipatory bail.

3.The learned Additional Public Prosecutor appearing for the respondent has submitted that at the time of filing charge sheet, the petitioner was in abroad and hence, absconding charge sheet was filed and based on the same C.C.No.407 of 2012 was taken and subsequently, the case against the petitioner herein was split up in C.C.No.347 of 2017 and the said case is still pending for the appearance of the petitioner. He further submitted that since the petitioner was absconding for the past 12 years, the aforesaid cases are pending and hence, he strongly opposed this petition.

4.Taking into consideration of the submission made by the learned counsel for the petitioner and also the learned Additional Public Prosecutor that at the time of filing charge sheet, the petitioner was in abroad and absconding charge sheet was filed and NBW was also issued, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.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, Pattukottai, Thanjavur 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] 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.

[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].

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

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

TO

1. THE JUDICIAL MAGISTRATE, PATTUKOTTAI,
THANJAVUR DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
 3. THE INSPECTOR OF POLICE, DISTRICT CRIME BRANCH,
THANJAVUR, THANJAVUR DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.D.R.MURUGESAN Advocate SR.No.12903

ORDER

IN

CRL OP(MD) No.10344 of 2019

Date :05/08/2019

MS/JC/SAR-1/09.08.2019/3P.6C