



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

Date : 09/08/2019

PRESENT

The Hon'ble Mr. Justice P. RAJAMANICKAM

CRL OP (MD) . No.10927 of 2019

Mohamed Farook

... Petitioner/Accused No.1

Vs

State through

The Inspector of Police,
All Women Police Station
Thiruparankundram,
Madurai

(Crime No. 17 of 2018).

... Respondent/Complainant

For Petitioner : Mr.M.Seeni Sulthan,
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 Crime No. 17 of 2018 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 498 A,
406 and 506 (ii) of IPC, in Crime No. 17 of 2019, seeks anticipatory
bail.

2.This Court on 02.08.2019 has passed the following order;-

*" This is the Second anticipatory bail
application.*

*2.This Court has granted anticipatory bail to the
petitioner in Cr1.Op(MD)No.18838 of 2018 on 24.10.2018,
but the petitioner has not executed bail bond within
the stipulated time.*



3. After, ten months the petitioner has filed this petition seeking anticipatory bail. Hence, this Court is of the view that the petitioner shall be directed to pay a sum of Rs.2,000/- (Rupees Two Thousand Only) as costs to the Hon'ble Chief Justice relief fund for entertaining this petition.

4. Hence, the petitioner is directed to pay a sum of Rs.2,000/- (Rupees Two Thousand Only) as costs to the Hon'ble Chief Justice relief fund on or before 08.08.2019.

5. Post the case before this Court on 09.08.2019."

3. As per the order passed by this Court on 02.08.2019, the petitioner has paid a sum of Rs.2,000/- as costs to the Hon'ble Chief Justice relief fund on 07.08.2019 and he has also filed a memo to that effect along with receipt. Hence, the learned counsel for the petitioner prayed to grant anticipatory bail to the petitioner.

4. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

5. Taking into consideration the fact that the suit is pending before the lower Court in O.S.No.50 of 2018 for seeking restitution of conjugal rights, this Court already granted anticipatory bail to the petitioner in CrI.OP(MD)No.18838 of 2018 on 24.10.2018, but the petitioner did not surrender and execute bail bond within the stipulated period. Hence, this Court is inclined to grant anticipatory bail to the petitioner by imposing conditions.

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 learned Judicial Magistrate, No.VI, 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 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:

(i) If the petitioner fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) 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 before the respondent police for interrogation.



(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

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(v) 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 petitioners 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]**.

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/08/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.VI,
MADURAI.
- 2 -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUPARANKUNDRAM,
MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.

ORDER
IN
CRL OP(MD) No.10927 of 2019
Date :09/08/2019

DSS
ES/JC/SAR 1/22.08.2019/3P/5C