



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :19.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.11904 of 2020

S. Nijamudeen,
S/o. Samsudeen

...Petitioner

Vs.

State rep. by the
Inspector of Police,
Manargudi All Women's Police Station,
Thiruvarur District.
(Crime No.04 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.04 of 2020 on the file of the Inspector of Police,
Mannargudi All Women's Police Station, Thiruvarur District.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr. K.Prabakar,
Additional Public Prosecutor

O R D E R

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women's
Harassment Act, in Crime No.04 of 2020, seek anticipatory bail.

2. The case of the prosecution is that there was a previous
enmity between the petitioner and the de-facto complainant's fiancé,
as a result of which, the petitioner had abused the de-facto
complainant and threatened him with dire consequences.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent person and they has not committed any offence
as alleged by the prosecution. The learned counsel for the petitioner
would further submitted that the other co-accused persons were
already granted anticipatory bail by this Court. Therefore, he prays
to grant anticipatory bail to the petitioner.



4. The learned Additional Public Prosecutor would submit that there was a previous enmity between the petitioner and the de-facto complainant's fiancée, as a result of which, the petitioner had abused the de-facto complainant and threatened him with dire consequences. He would further submit that the de-facto complainant and his fiancée are from different religions. He would further submit that there is no previous case pending as against the petitioner.

5. Considering the above fact and circumstances of the case, 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 on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate Court No-I, Mannargudi, Thiruvarur 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for 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 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].

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



7. With the above directions, the Criminal Original Petition is ordered.

-sd/-
19/08/2020

WEB COPY

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
COURT NO.I, MANNARGUDI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
MANARGUDI ALL WOMENS POLICE STATION,
THIRUVARUR DISTRICT.

CC to M/S.P.MUTHAMIZHSELVAKUMAR Advocate on payment of
necessary charges

CRL OP.11904/2020

Date :19/08/2020

RD 09/09/2020