



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

Date : 07/01/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.85 of 2020

Mohaideen @ Mohamed Mohaideen Abdul Kathar

... Petitioner/Accused No.2

Vs

The State rep.by
The Sub Inspector of Police,
Jaihindpuram Police Station,
Madurai,
Crime No.1087 of 2013.

... Respondent/Complainant

For Petitioner : M/s.S.Sivakumar,
Advocate.

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

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

PRAYER :-

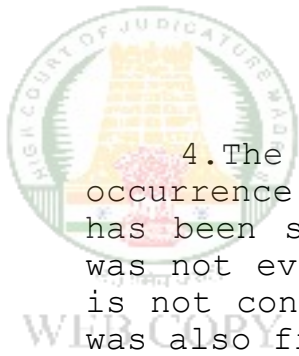
For Anticipatory bail in Crime No.1087 of 2013 on the file of the Respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Additional Public ProGovernment Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 341, 302 of I.P.C., altered to Sections 120(b), 341, 302 read with 149 of IPC in Crime No. 1087 of 2013 on the file of the respondent police, seeks anticipatory bail.

3. The petitioner is facing trial in P.R.C.No.296 of 2019 on the file of the learned Judicial Magistrate No.IV, Madurai, for the offences under Sections 120(b), 341, 302 read with 149 of IPC. It appears that a non-bailable warrant was issued against the petitioner in the year 2018. After he came to know about the same, he filed this Criminal Original Petition.



4.The learned counsel for the petitioner states that the occurrence is of the year 2013 and that eventhough the petitioner has been shown as A2, he was never arrested or apprehended and he was not even aware of his implication in that case. This statement is not controverted by the prosecution. An absconding charge sheet was also filed against the petitioner.

5.Since, the petitioner has moved this Court for the first time seeking anticipatory bail, I am inclined to grant the relief of anticipatory bail to the petitioner.

6.The learned counsel for the petitioner states that since the petitioner is not aware of the pendency of the prosecution against him, he would punctually attend all the hearings both at the committal stage as well as at the trial stage before the Sessions Court. If he is unable to appear, he would represent through his counsel by filing a petition under Section 317 of Cr.P.C. If this undertaking is breached, the benefit of this order will go.

7. Recording this undertaking, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.IV, Madurai, and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the court concerned. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
07/01/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO IV,
MADURAI.

2.THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT



3. THE SUB INSPECTOR OF POLICE,
JAIHINDPURAM POLICE STATION,
MADURAI.

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

+1. CC to M/S.S.SIVAKUMAR Advocate SR.No.385

ORDER
IN
CRL OP (MD) No.85 of 2020
Date : 07/01/2020

PNN
TK/PN/SAR.3/20.01.2020/3P/6C