



WEB COPY

CRL OP (MD) . Nos.3282 and 3290 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/02/2020

PRESENT

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

CRL OP (MD) . Nos.3282 and 3290 of 2020

Syed Mydeen

... Petitioner/Accused No.4
in Crl.O.P.(MD)No.3282 of 2020

Khaleel Rahuman

... Petitioner/Accused No.5
in Crl.O.P.(MD)No.3290 of 2020

Vs

State Rep.by
The Inspector of Police,
Central Crime Branch,
Madurai City.
(Crime No.48 of 2019)

... Respondent/Complainant
in both Crl.O.Ps.

For Petitioners : M/s.B.Prahalad Ravi, Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

For Intervenor : Mr.D.Shanmugaraja Sethupathy, Advocate
(in both Crl.O.Ps)

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

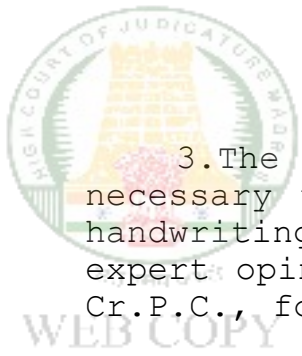
COMMON PRAYER :-

For Anticipatory Bail in Crime No.48 of 2019 on the file of the respondent police.

COMMON ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners, learned counsel appearing for the intervenor and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 465, 468, 471 and 120(B) of I.P.C., in Crime No.48 of 2019 on the file of the respondent police, seek anticipatory bail. This is their second petition for anticipatory bail.



3.The learned counsel for the intervener pointed out that it is necessary that the investigation obtains the sample signatures and handwriting of the petitioners for the purpose of obtaining the expert opinion of the handwriting expert. Under Section 311(A) of Cr.P.C., formal arrest of the petitioners is required.

4.The learned counsel for the petitioners states that the petitioners ought to be given protection against being remanded.

5.Since this Court had already given anticipatory bail to the petitioners, the question of the petitioners being remanded, does not at all arise. It is made clear that the respondent will only formally arrest the petitioners for the purpose of complying with the requirements of Section 311(A) of Cr.P.C., and for collecting the sample signature and handwriting of the petitioner herein. The petitioners shall extend his full cooperation in this regard and appear before the Magistrate in this regard along with the respondent. This in my view, will balance the interest of both the parties. The petitioners will not go to jail and at the same time, the interest of investigation will also be taken care.

6. With this observation, I am inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Madurai, and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only)each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

7. The petitioners 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/-
24/02/2020

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



TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
CENTRAL CRIME BRANCH, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.B.PRAHALAD RAVI, Advocate, SR NOS.3556 & 3957

+1 CC to M/s.D.SHANMUGARAJA SETHUPATHI, Advocate (SR-4087[I] dated
26/02/2020

ORDER IN

CRL OP (MD) . Nos.3282 and 3290 of 2020

Date :24/02/2020

MS/VR/SAR-4/26.02.2020/3P.7C