



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

Date : 24/06/2020

PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD) . No.6571 of 2020

A.MUJEEB RAHMAN ... PETITIONER/SOLE ACCUSED

VS

STATE REP. BY
THE INSPECOTOR OF POLICE,
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT
CRIME.NO. 109 OF 2020. ... RESPONDENT/COMPLAINANT

For Petitioner : M/s. S.C.Herold Singh,
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. 109 of 2020 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 Prosecutor appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the
respondent police for the offences punishable under sections 457 and
380 of I.P.C., in Crime No.109 of 2020 on the file of the respondent
police, seeks anticipatory bail.

3. The case of the prosecution is that the defacto complainant
is running a studio on lease from one Nijamudeen. The petitioner
claims that he purchased the said property. Hence, the petitioner
demanded a sum of Rs.50,000/-. The defacto



complainant filed a suit in O.S.No.164 of 2019 in this regard. On 12.03.2020, the defacto complainant's shop was broke open. Hence, a complaint.

4.The learned Additional Public Prosecutor states that there is a civil dispute between the landlord and the tenant. O.S.No.164 of 2019 is pending in this regard.

5. Taking note of the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

(i) Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.II, Padmanabapuram, 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;

(ii)The petitioner is directed to pay a sum of Rs.15,000/- (Rupees Fifteen Thousand Only) by way of Demand Draft, in favour of 'The Dean, Kanyakumari Government Medical College and Hospital, Kanyakumari', on or before 08.07.2020, for the purpose of providing facilities to the Health workers, as non-refundable compensation, without prejudice his rights, since the Health workers put their lives at risk every day and play a critical role in preventing the spread of COVID-19 Pandemic;

(iii)The sureties shall affix his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(iv)The petitioner shall report before the respondent Police daily at 10.00 a.m., until further orders, for interrogation.

(v)The petitioner shall not tamper with evidence or witness either during investigation or trial;

(vi)The petitioner shall not abscond either during investigation or trial;

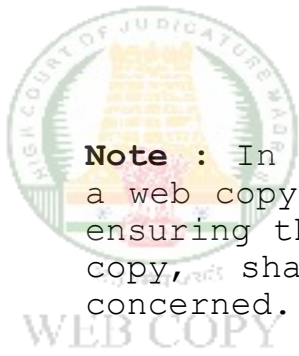
(vii)On breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in ***P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]***; and;

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

sd/-
24/06/2020

/ TRUE COPY /

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



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

- 1 THE JUDICIAL MAGISTRATE NO.II,
PADMANABAPURAM
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECOTOR OF POLICE
THUCKALAY POLICE STATION,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:
THE DEAN,
KANYAKUMARI GOVERNMENT MEDICAL COLLEGE AND HOSPITAL,
KANYAKUMARI.

ORDER
IN
CRL OP(MD) No.6571 of 2020
Date :24/06/2020

IAS
JM/PN/SAR 3/25.06.2020/3P/6C