



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/06/2020

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PRESENT

The Hon`ble Mr.Justice RMT. TEEKAA RAMAN

CRL OP(MD). No.6570 of 2020

1. S.M.Meeran Mohideen
2. Peer Mohideen

... Petitioners/Accused No.1 & 2

Vs

State Rep.by
The Insepctor of Police,
Subramaniyapuram Police Station,
Madurai City.
(Crime.No. 1025 of 2020)

... Respondent/Complainant

For Petitioners : M/s.B.Thanga Aravindh, 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. 1025 of 2020 on the file of the respondent police.

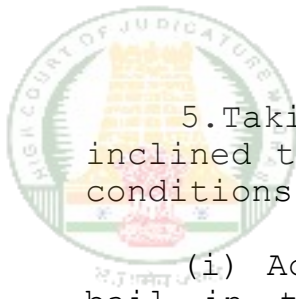
ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and the learned Additional Public Prosecutor appearing for the respondent.

2. The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 427 and 506(i) of I.P.C., in Crime No.1025 of 2020 on the file of the respondent police, seek anticipatory bail.

3. The case of the prosecution is that the petitioners father and son and they are the landlord. The defacto complainant is the tenant. The defacto complainant is running a shop in the first petitioner's property. The petitioners are said to have caused damage to the defacto complainant's shop. Hence, a complaint.

4. The learned Additional Public Prosecutor on instructions states that there is a civil dispute pending between the parties. There is no injury for the defacto complainant.



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

(i) 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.IV, Madurai, 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;

(ii) 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;

(iii) The petitioners shall report before the respondent as and when required for interrogation.

(iv) The petitioners shall not tamper with evidence or witness either during investigation or trial;

(v) The petitioners shall not abscond either during investigation or trial;

(vi) 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]***; and;

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

sd/-

24/06/2020

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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.IV, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSEPCTOR OF POLICE,
SUBRAMANIYAPURAM POLICE STATION, MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.6570 of 2020

Date :24/06/2020

MS/PN/SAR-3/26.06.2020/3P.5C