



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

Date : 15/07/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN
CRL OP(MD) . No.6665 of 2020

1. Abbashkhan
2. Sakilabanu

... Petitioners/Accused Nos.1 & 2

Vs

The Inspector of Police,
District Crime Branch,
Ramanathapuram District,
In Crime No. 39 of 2020.

... Respondent/Complainant

For Petitioner : Mr.J.M.Hassanul Bazari,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

For Intervener : Mr.D.Balamurugapandi
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 39 of 2020 on the file of
the respondent police

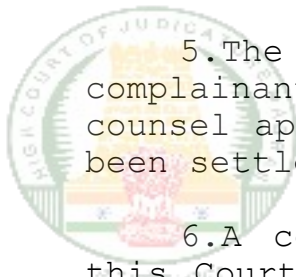
ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 420, 294(b) and 506(ii) of IPC in Crime No.39 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners borrowed money from the defacto complainant. Thereafter, the defacto complainant approached the accused to repay the amount. Due to which, the petitioners abused the defacto complainant using filthy language and threatened with dire consequences. Hence, the present complaint.

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

4.The learned counsel appearing for the petitioners submitted that now the matter has been settled between the parties and they have also filed a joint compromise memo to that effect. Hence, he prayed for grant of anticipatory bail to the petitioners.



5.The learned counsel appearing for the intervener/defacto complainant has admitted that the submission made by the learned counsel appearing for the petitioner and stated that the matter has been settled between the parties.

6.A copy of the Joint Compromise memo has been filed before this Court, which have been duly signed by the defacto complainant and the petitioners/accused and also by their respective counsel stating that the dispute is amicably settled between the parties and the defacto complainant.

7.Considering the fact that it is a money dispute between the parties and the matter has been compromised between them, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Special Court for Land Grabbing Cases, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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]; and;

(f)if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

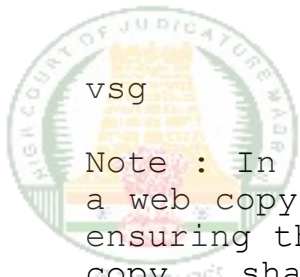
sd/-

15.07.2020

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



vsg

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.

WEB COPY

TO

1. The Judicial Magistrate Special Court for Land Grabbing Cases, Ramanathapuram.
2. -Do- Through The Chief Judicial Magistrate, Ramanathapuram District.
3. The Inspector of Police, District Crime Branch, Ramanathapuram District.
4. The Additional Public Prosecutor, Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.6665 of 2020

Date : 15/07/2020

VB SKN SAR 2 (17.07.2020) 3P 5C