



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7168 of 2020

1. AMS.Sihabudeen
2. K.Ajmal Khan
3. N.Ahamed Ansari
4. NK.Ashik Ahamed
5. K.Ahmad Rashool

... Petitioners/Accused

Vs

The Inspector of Police,
Adirampattinam Police Station,
Pattukottai Taluk,
Tanjore District.
Crime No.1066 of 2020.

... Respondent/Complainant

For Petitioners: M/s.T.Lajapathi Roy,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Cr.No.1066 of 2020, on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under Sections 323 and 506(ii) of I.P.C., in Crime No.1066 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a trustee of MKN, Madarsa Trust and the petitioners are also well-wishers of the said trust. The allegations against the petitioners are that they have threatened the de-facto complainant to keep away from the affairs of the trust. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the first petitioner, namely, AMS.Sihabudeen alone is arrayed as accused in Crime No.1066 of 2020, based on the direction given by the learned Judicial Magistrate, Patthukottai. There is a dispute regarding the management of Pallivasal and no one sustained injury.

5.Taking note of the above facts, this Court is inclined to grant anticipatory bail to the first petitioner alone, since the petitioners 2 to 5 are not arrayed as accused. Hence, this petition is dismissed in respect of the petitioners 2 to 5 are concerned.

6.Accordingly, the first petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Patthukottai, Tanjore District, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) 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 first petitioner 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 first petitioner shall report before the respondent police as and when required for interrogation;

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

(d)the first petitioner 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 first petitioner in accordance with law as if the conditions have been imposed and the first 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;



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

sd/-
09/07/2020

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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, PATTHUKOTTAI,
TANJORE DISTRICT.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE, ADIRAMPATTINAM POLICE STATION,
PATTUKOTTAI TALUK, TANJORE DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7168 of 2020
Date :09/07/2020

MS/PN/SAR-2/10.07.2020/3P.5C