



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/07/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7585 of 2020

M.Haji Syed Hussain @ Shottai @ Haji ... Petitioner/Accused No.3

Vs

The Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.
Crime No.10 of 2020.

... Respondent/Complainant

For Petitioner : M/s.R.S.Sivaram, Advocate.

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

For Intervenor : M/s.B.Jameel Arasu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.10 of 2020 on the file of the Respondent Police.

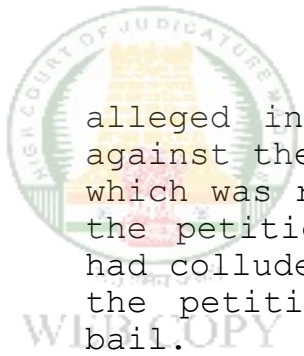
ORDER : The Court made the following order :-

The petitioner who is arrayed as accused No.3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 354C, 417, 120B, 306 of IPC and Section 67 (A) of IT Act, in Crime No.10 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A-1 has cheated one victim namely; Chinnaponnu @ Hathijathul Amaniya and threatening her with some absence photo. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (criminal side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted <https://hservices.ecourts.gov.in/hcservices/> and the petitioner is innocent and he did not commit any offence as



alleged in the FIR. He would further submit that the allegation against the petitioner is that he was working in the videograph shop which was running by A-2 and there is no specific allegation against the petitioner. Due to money dispute, A-1 and defacto complainant had colluded with each other and preferred a false complaint against the petitioner and his brother/A-2. Hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that the petitioner is working in videograph shop which was running by A-2 and there is serious allegations are against A-1 & A-4. He would further submit that A-1 has illicit relationship with victim and taken obscene photographs and sent the same to A-4 inturn A-4 said to have threatened victim and demanded money.

6.Considering the fact and circumstances of the case and submission made by the learned Government Advocate (criminal side), so far as this petitioner is concerned, the only allegation is along with A-2 running a videograph shop, that apart no serious allegation against the petitioner, eventhough the First Information Report has been registered for an offence under Section 306 of I.P.C., the defacto complainant has attempted to commit suicide, hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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.I, Ramanathapuram, and on his executing a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that,

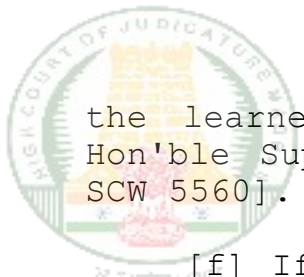
[a] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[b] the petitioner shall report before the respondent police as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the 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 petitioner in accordance with law as if the conditions had 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].

[f] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

WEB COPY

sd/-
29/07/2020

/ 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.I,
RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEELAKARAI,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7585 of 2020
Date :29/07/2020
(1/2)

MS/VR/SAR-3/04.08.2020/3P.5C