



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/07/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7745 of 2020

MOHAMMED NAIZER

...PETITIONER/ACCUSED NO.1

VS

STATE REP. BY
THE INSPECTOR OF POLICE,
THAZHAIMUTHU NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
CRIME NO.194 OF 2020.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.C.Susikumar,
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.194 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 506(i) of I.P.C. and Section 4 of Tamilnadu Prohibition of Women Act, 2002, in Crime No.194 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that earlier the defacto complainant lodged a complaint against the petitioner for an offence under Section 376 of IPC., and subsequently, he was arrested and released on bail. Thereafter, the petitioner and A2 abused the defacto complainant by using filthy language and they also threatened the defacto complainant to withdraw the complaint. Hence, the case has been registered.



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

4. The learned counsel appearing for the petitioner submitted that the defacto complainant loved the petitioner and there was a dispute between them and the defacto complainant lodged a complaint against the petitioner. He further submitted that A1 was already arrested and released on bail. Now the defacto complainant lodged this present false complaint against A1 and A2. He would further submit that A2 already released on anticipatory bail by this Court in Crl.O.P(MD)No.7341 of 2020. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that already A1 released on bail for another offence under Section 376 of IPC. Now A1 and A2 were threatened the defacto complainant to withdraw the complaint. He further submit that the co-accused / A2 in this case had already been released on anticipatory bail by this Court.

6. Considering the facts and circumstances of the case and considering the fact that co-accused A2 had already been released on anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, No.II, Tuticorin, on condition that the petitioner shall execute 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 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 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 petitioners shall report before the respondent police once in a week (i.e.,) Every Monday at 10.30 a.m until further orders;

(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 have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme

<https://hccservicescourts.gov.in/Kcse6/hccse6j> 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/-
28/07/2020

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/ /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,
TUTICORIN.
- 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
THAZHAIMUTHU NAGAR POLICE STATION,
THOOTHUKUDI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.7745 of 2020
Date :28/07/2020

VSD
JM/VR/SAR 3/30.07.2020/3P/5C