



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8112 of 2020

Riyaz Ahamed

... Petitioner/Accused No.5

Vs

The State Rep. by
The Sub Inspector of Police,
Airport Police Station,
Trichy City.
Cr.No.270 of 2020.

... Respondent/Complainant

For Petitioner : M/s.S.A.S.Alaudeen,
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.270 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A5, apprehending arrest at the hands of the respondent police in connection with a case registered in Crime No.270 of 2020 for the offences punishable under Sections 170 and 379 of the Indian Penal Code, seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that the *defacto* complainant has taken the vehicle on lease from one Sadhiq Hussain and other accused, who is the practising Advocate, along with the other accused, impersonated themselves as police officials and took the vehicle from the *defacto* complainant. Hence, the complaint.



4. The learned counsel appearing for the petitioner would submit that this is the second complaint. The original owner of the vehicle, namely Sadhiq Hussain leased out the vehicle to the *defacto* complainant and after expiry of the lease period, the vehicle was taken possession by the original owner. Earlier, the *defacto* complainant lodged a similar complaint before K.K.Nagar Police Station as if the vehicle has been stolen. Pending investigation in the said complaint, the present complaint has been given as if the petitioner along with other accused have forcibly taken the vehicle from him. Hence, he prayed for grant anticipatory bail to the petitioner.

5. The learned Government Advocate (Criminal side) appearing for the respondent would submit that the petitioner along with the other co-accused have forcibly taken the vehicle from the *defacto* complainant. Hence, the present crime has been registered.

6. Considering the facts and circumstances of the case and also considering the fact that the *defacto* complainant is the lessee and after the expiry of the lease period, the vehicle has been taken by the original owner and that apart, this is the second complaint, 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Trichy, 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:

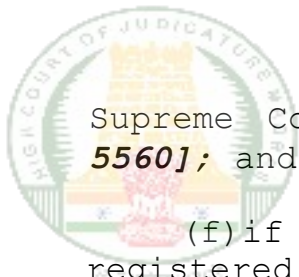
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the 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 have 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]***; and

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

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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.VI, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE SUB INSPECTOR OF POLICE,
AIRPORT POLICE STATION,
TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.8112 of 2020
Date :07/08/2020

VSG
TE/PN/SAR-II : 14/08/2020 : 3P/5C