



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9826 of 2020

JaheerHussain

... Petitioner/
Accused (Rank not known)

Vs

The State rep. by
The Inspector of Police,
Kodaikanal Police Station,
Dindugal.
(Crime No. 1342 of 2020).

... Respondent/Complainant

For Petitioner : M/s.S.Balasubramanian,
Advocate.

For Respondent : M/s.S.E.Veronica Vincent,
Government Advocate (Criminal Side)

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

PRAYER :-

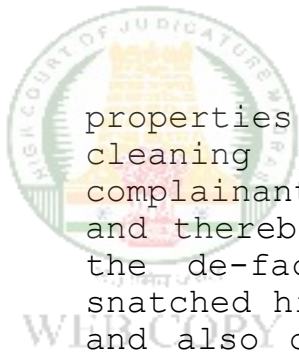
For an Anticipatory Bail in Crime No.1342 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

Totally there are five accused in this case. The petitioner/Accused No.1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 379, 506(ii) of I.P.C. and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.1342 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The allegation is that the de-facto complainant's husband was working as a caretaker of Balaji Gardens, MM Road Kodaikanal. Due to civil dispute between the parties, the petitioner and other accused are said to have attacked the de-facto complainant and her husband and abused her in filthy language and snatched her three sovereigns of gold chain. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner's brother-in-law was having three house



properties in Balaji Gardens and when the petitioner went for cleaning process of the house, at that time, the de-facto complainant's husband Sekar and his son came there in drunken mode and thereby, there was a wordy quarrel between them, due to which, the de-facto complainant's husband attacked the petitioner and snatched his four sovereigns of gold chain and broke his car glasses and also caused injuries. In this regard, the petitioner gave a complaint before the respondent police. Due to previous enmity between the Deputy Superintendent of Police, Kodaikanal, the respondent police did not register the petitioner's complaint.

4.The learned Government Advocate (Criminal Side) appearing for the State would submit that the investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that it is a civil dispute between the parties, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the 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, Kodaikanal, on condition that the petitioner 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 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/accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/09/2020

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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,
KODAIKANAL.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
DINDUGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDUGAL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9826 of 2020
Date :16/09/2020

SJI
SRS/ AKM/ SAR-III/ 21.09.2020/ 3P/5C