



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/09/2020

PRESENT

WEB COPY

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.10236 of 2020

Mohamed Iqbal

... Petitioner/Accused

Vs

State represented by
The Sub-Inspector of Police,
Melavalavu Police Station,
Madurai District,
Crime No. 1102 of 2020.

... Respondent/Complainant

For Petitioner : Mr.P.Subbaraj,
Advocate.

For Respondent : Ms.S.E. Veronica Vincent,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.1102 of 2020 on the file of
the Respondent Police

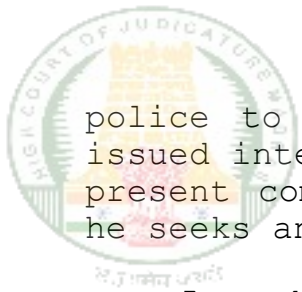
ORDER : The Court made the following order :-

The petitioner is a sole accused apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 355 & 506(1) of I.P.C., in Crime No.1102 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is a sole accused. On 12.09.2020 at about 07.00 p.m., the petitioner said to have abused the defacto complainant by abusing filthy language and also made life threat. 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 would submit that, earlier, the petitioner's father has filed a petition in W.P.(MD) No.10680 of 2020 before this Court seeking police protection and its order dated, 02.09.2020 directed the respondent



police to conduct enquiry on the petitioner's complaint and also issued interim protection. He further submit as a counter blast, the present complainant has been lodged against the petitioner. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (criminal side), on instructions, submitted that due to previous motive, the petitioner said to have criminally intimidated the defacto complainant. He further submitted that the petitioner has also preferred a complaint against the defacto complainant and the same is pending for enquiry.

6. Considering the fact and circumstances of the case and considering the fact that previous motive is pending between the parties and the petitioner has also preferred a complaint against the defacto complainant and the same is pending for enquiry, 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, Melur, 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 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 accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/09/2020

/ 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,
MELUR, MADURAI DISTRICT.
- 2.DO THRO'THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE SUB-INSPECTOR OF POLICE,
MELAVALAVU POLICE STATION,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10236 of 2020
Date :24/09/2020

KSA
AE/JC/SAR-III (28.09.2020) 3P 5C