



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 07/12/2020

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.13014 of 2020

Sirajdeen ... Petitioner/Accused No.3

Vs

State Rep. by
The Inspector of Police,
Sholavandan Police Station,
Madurai District.
Crime No.145/2019.

... Respondent/Complainant

For Petitioner : M/s.K.Navaneetharaja,
Advocate.
For Respondent : Mr.A.Robinson (Crl.Side),
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.145 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 486 and 420 of I.P.C., and Sections 103(a) and 104 of the Trade Marks Act in Crime No.145 of 2019 on the file of the respondent police, seeks anticipatory bail.

3. The petitioner's earlier petition for anticipatory bail was dismissed in view of the registration of a similar case against the petitioner earlier. During the pendency of this petition, the petitioner is said to have surrendered before the respondent.

4. Therefore, I am of the view that the continued incarceration of the petitioner is not warranted. The petitioner had surrendered on 06.12.2020 and is said to be confined in Sub Jail, Dindigul. The petition for anticipatory bail is converted into a bail petition by the subsequent development.



5.Considering the overall circumstances, I am inclined to enlarge the petitioner on bail. Accordingly, the petitioner is released on bail subject to the following conditions:-

(i) the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties, each for a like sum to the satisfaction of the Judicial Magistrate, Vadipatti.

(ii) the petitioner is directed to appear before the respondent police as and when required for the interrogation.

(iii) the petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner shall not abscond either during investigation or trial.

[v] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners 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].

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

sd/-

07/12/2020

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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,
VADIPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3 THE INSPECTOR OF POLICE,
POLICE STATION, MADURAI DISTRICT.

<https://hcservs.ecgdnv.gov.in/DocService/>



4 THE OFFICER INCHARGE,
SUB JAIL, DINDIGUL.

5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

WEB COPY

ORDER

IN

CRL OP(MD) No.13014 of 2020

Date :07/12/2020

rmi

JM/PN/SAR III/07.12.2020/3P/6C