



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/11/2020

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PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD).No.13078 of 2020

1.Mohammed Gani
2.Ameer Hamsha
3.Seeni Abdul Rahman @ Kuppai
4.Seeni Abdul Khan @ Aavul

... Petitioners/Accused
Nos.1 & 3 to 5

Vs

The State Rep. by
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
Cr.No.342 of 2020.

... Respondent/Complainant

For Petitioners: Mr.B.Senthilkumar, Advocate.

For Respondent : Mr.KR.Bharathikannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.342 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1, A3 to A5, apprehending arrest at the hands of the respondent police for the offences punishable under sections 147, 148, 332, 353, 294(b) and 506(ii) IPC, in Crime No.342 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 03.11.2020 at about 11.00 p.m. the defacto complainant namely Navaneethakrishnan, who is the Sub Inspector of Police, Crime Branch went along with his police party for patrol duty, at that time, the accused persons and others said to have stored sea cucumber (Kadal Attai) in the Maraikayar Thoppu. Hence, the case has been registered.



3.The learned counsel appearing for the petitioners submitted that the petitioners are not involved in any illegal activity. The occurrence which was happened in the Allah Pitchai Thoppu. But the defacto complainant has given this false complaint in a mechanical manner against the petitioners and the petitioners have not attacked the defacto complainant and his policeman at their place. He further submitted that the petitioners are innocent persons and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that while seizing the Kadal Attai from the petitioners the petitioners and other accused persons said to have attacked the defacto complainant and other policeman and caused injury.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameswaram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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:

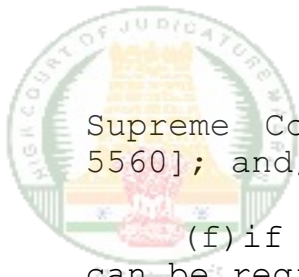
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily twice i.e. at 10.00 a.m. and 6.00 p.m. without fail, for a period of two weeks and thereafter report before the respondent police daily at 10.00 a.m. without fail for a period of two weeks and thereafter as and when required for interrogation;

(c)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, 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,
RAMESWARAM,
RAMANATHAPURAM DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
MANDAPAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.B.SENTHILKUMAR, Advocate (SR-7572[I] dated 20/11/2020)

ORDER
IN
CRL OP(MD) No.13078 of 2020
Date :19/11/2020

VSD
TE/JC/SAR-III : 24/11/2020 : 3P/6C