



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

Date : 02/12/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.13751 of 2020

1. Asik Rahman
2. Aswar @ Mohammed Aswar ... Petitioners/Accused Nos.6 & 8

Vs

State Rep.by,
The Inspector of Police,
Devipattinam Police Station,
Ramanathapuram District.
(Crime No.366/2020).

... Respondent/Complainant

For Petitioners: M/s.S.Deenadhayalan,
Advocate.

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

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

PRAYER :-

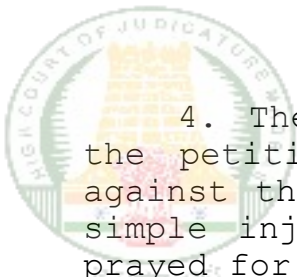
For an Anticipatory Bail in Crime No.366 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A6 & A8, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 342, 323, 365 and 506(ii) of IPC, seek anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that on the instruction of A1, the defacto complainant and his friends purchased gold from one Dinesh of Srilanka and the same was handed over to A1. A1 suspected the defacto complainant and his friends, since the gold was mixed with huge quantity of copper. Hence, the accused persons along with unnamed persons were said to have kidnapped the defacto complainant and also assaulted him and caused injury. Hence, the complaint.



4. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He further submitted that the injured sustained only simple injury and he was discharged from the hospital. Hence, he prayed for anticipatory bail to the petitioners.

WEB COPY

5. The learned Government Advocate(Crl.Side) would submit that on the instruction of A1, the defacto complainant and his friends purchased gold from one Dinesh of Srilanka and the same was handed over to A1. A1 suspected the defacto complainant and his friends, since the gold was mixed with huge quantity of copper. Hence, the accused persons along with unnamed persons were said to have kidnapped the defacto complainant and also assaulted him and caused injury. He further submitted that the injured sustained only simple injury and he was discharged from the hospital.

6.It is seen that totally there are 9 accused in which, the petitioners are arrayed as A6 & A8. According to the case of the prosecution, the defacto complainant was engaged by A1 to purchase smuggling gold from the Srilanka. Thereafter, the defacto complainant handed over the gold to A1 and A1 has found that gold is spurious one. Therefore, A1 engaged other accused persons and kidnapped the defacto complainant and attacked him. Now, he was discharged from the hospital.

7.In view of the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two blood relative 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 at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation.

(c)the petitioners shall not tamper with evidence or witness
<https://hccourtscorpus.in/hccservices> 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/12/2020

/ 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 NO.I, RAMANATHAPURAM.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
DEVIPATTINAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

ORDER

IN

CRL OP(MD) No.13751 of 2020

Date : 02/12/2020

dss

PK/JC/SAR-III/09.12.2020 : 3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>