



WEB COPY

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

Date : 08/12/2020

PRESENT

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

CRL OP(MD) . No.14264 of 2020

I.Akbar Baasha

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
Thideer Nagar Police Station
Madurai District.
Crime No. 871/2020.

... Respondent/Complainant

For Petitioner : Mr.R.Anand,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 871/2020 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 392, 397 and 506(ii) of I.P.C. and Section 25(1A) of Arms Act, in Crime No.871 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner is street vender. On 21.10.2020, the petitioner was selling fruits, the accused persons came to him and demanded money to buy alcohol. Since the petitioner denied to give, they threatened the defacto complainant and warned him that they would kill him. Hence, the complaint.



4.The learned counsel for the petitioner submitted that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution.

5.The learned Government Advocate (Crl. Side) submitted that two previous cases are pending against the petitioners. Hence, he prays for dismissal of this anticipatory bail petition.

6.Considering the facts and circumstances of the case I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.V, Madurai District, and on his executing a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) with two blood sureties, 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 daily at 10.30 a.m and 06.00 p.m. two a period of four weeks and thereafter, 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

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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 NO.V,
MADURAI DISTRICT.
- 2-DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THIDEER NAGAR POLICE STATION,
MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.14264 of 2020
Date :08/12/2020

IAS
AE/SMA/SAR-III (11.12.2020) 3P / 5C