



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

Date : 11/12/2020

PRESENT

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

CRL OP(MD) . No.14379 of 2020

A.Syed Allapitchai @ Allapitchai ... Petitioner/Accused No.14

Vs

State through,
The Inspector of Police,
Mandapam Police Station,
Ramanathapuram District.
(Cr.No.343/2020) .

... Respondent/Complainant

For Petitioner : M/s.M.Seeni Sulthan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.343/2020 on the file of the respondent police.

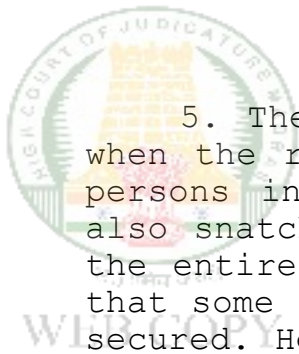
ORDER : The Court made the following order :-

The petitioner/A14, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,332,353,294(b),392,307 of IPC seeks anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that on secret information the defacto complainant team visited the accused place and found the accused persons in possession of Sea Cucumber. Further all the accused persons threatened the defacto complainant and also snatched the cell phone which was in possession of one of the police constable and they also attacked the police persons, in which one of the police constable sustained injuries

4. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would also submit that co -accused persons in this case were granted bail by this Court.



5. The learned Government Advocate(Crl.Side) would submit that when the respondent police conducted search they found the accused persons in possession of sea cucumber and also attacked them and also snatched cell phone of one of the constable who video graphed the entire occurrence and also attacked him. He would also submit that some of the accused persons are still absconding and yet to be secured. He would also submit that co -accused persons in this case were granted bail by this Court.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that co-accused in this case was released on bail by this Court, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Rameswaram, Ramanathapuram District on condition that 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 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., for period of two 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/-

11/12/2020

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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, RAMESWARAM
- 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.

ORDER
IN
CRL OP(MD) No.14379 of 2020
Date :11/12/2020

AAV
PK/JC/SAR-IV/16.12.2020 : 3P/5C