

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5674 of 2021

SOWGATH ALI

[PETITIONER / ACCUSED]

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM DISTRICT.
CRIME NO. 85/2021.

[RESPONDENT]

For Petitioner : M/S.T.BALACHANDRAN Advocate

For Respondent : M/S.T.SHUNMUGARAJESWARAN Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 294(b) and 420 of IPC, in Crime No.85 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's father had mortgaged 11 sovereigns of gold jewels at Vimal Jewellery. After the demise of the defacto complainant's father, on 29.07.2021 the defacto complainant's husband went to Vimal Jewellery asked about the jewels. At that time, the shop owner asked him to pay principal along with interest Rs.1,94,817/- and also bring the death certificate of the defacto complainant's father and the same was accepted by the defacto complainant's husband. On 13.09.2021, the defacto complainant and her husband went to Vimal Jewellery and asked about the jewels, the owner of the shop stated that the jewels were handed over to Sowgath Ali, who is the uncle of the defacto complainant and questioned by the defacto

complainant and her husband, namely Vimal and his father had abused the defacto complainant with filthy language and thrown out of the shop. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner submits that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner along with other accused persons were found in possession of gold jewels belonging to the defacto complainant. He would further submit that the petitioners along with other accused persons had abused the defacto complainant with filthy language and thrown out the shop. However, he vehemently opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and the petitioner is the uncle of the defacto complainant and there is no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his 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, Villupuram, 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 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 Court concerned 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 a period of two weeks and thereafter as and when required for interrogation,

© 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/-
28/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE NO.I,
VILLUPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
VILLUPURAM TOWN POLICE STATION,
VILLUPURAM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.T.BALACHANDRAN Advocate on payment of necessary charges

WEB COPY
CRL OP.5674/2021
Date :28/04/2021

MN-29/06/2021