

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.06.2021

CORAM :

THE HON'BLE Mr.JUSTICE R.SUBRAMANIAN

Crl.O.P.No.8364 of 2021

1.Nazeer Ahmed
2.Ayoob Khan
3.Asлом Anwar Shaik

... Petitioners

Vs.

State rep. By
The Inspector of Police,
Ambur Police Station,
Ambur, Thirupathur - 635802.

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Cr.P.C., to grant anticipatory bail to the petitioners in the event of their arrest by the respondent police in Crime Not known pending investigation on the file of the respondent police.

For Petitioners : Mr.D.Padmanabhan

For Respondent : Mr.L.Baskaran
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehends arrest pursuant to the complaint lodged by the defacto complainant under Sections 406 & 506(i) IPC, seek Anticipatory Bail.

2.It is seen that the petitioners are related to the defacto complainant and the dispute with reference to a property in which, the petitioners are also entitled to a share. The dispute in essence appears to be a civil dispute. I am of the considered opinion that the petitioners should be granted Anticipatory Bail subject to certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of resumption of regular court hearings at Ambur, before the learned Judicial Magistrate, Ambur, subject to the following conditions:

(a) the petitioners shall execute a separate 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, failing which, the petition for anticipatory bail shall stand dismissed;

(b) 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.

(c) the petitioners shall report before the respondent police as and when required for interrogation.

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(e) the petitioners shall not abscond either during investigation or trial.

(f) 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].

(g) if the accused thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

4. With the above directions, anticipatory bail is granted and this Criminal Original Petition is ordered.

सत्यमेव जयते

-sd/-

02/06/2021

WEB COPY
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,
AMBUR.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AMBUR POLICE STATION,
AMBUR, THIRUPATHUR - 635 802.

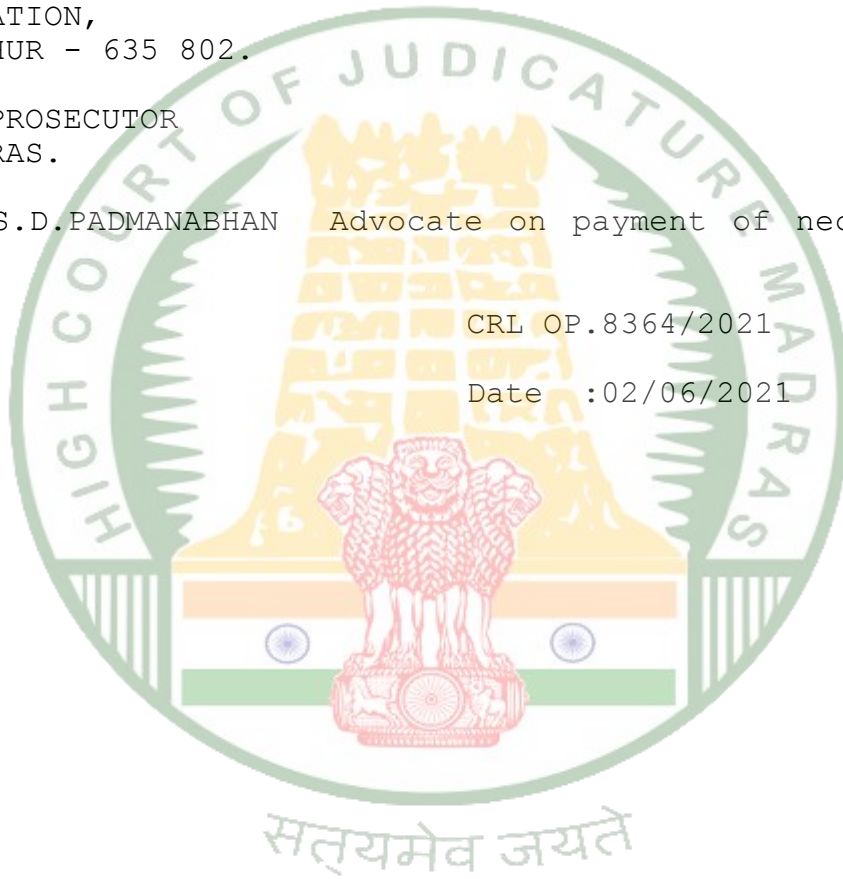
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.D.PADMANABHAN Advocate on payment of necessary
charges

CRL OP.8364/2021

Date :02/06/2021

MK:08/07/2021



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