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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Cr1.O.P.No.11079 of 2021

Mohamed Shameer

... Petitioner

Vs.

State by
Inspector of Police
Porayar P.S
Nagapattinam District.
(Crime No.208 of 2021)

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.208 of 2021 pending on the file of the respondent police.

For Petitioner : Mr.M.Zainul Abideen

For Respondent : Mr.A.Gopinath
Government Advocate (Cr1 side)

ORDER

(The case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 77 of Juvenile Justice Act and 506(1) of I.P.C., in Crime No.208 of 2021 on the file of the respondent police, seeks anticipatory bail.

2. There are totally three accused in this case and the petitioner is arrayed as A1. The case of the prosecution is that as per the defacto complainant, the petitioner and other accused persons have used the minor son of the defacto complainant, taken his photos of his smoking and drinking liquor in the cell phone and blackmailed him and extorted a sum of Rs.80,000/- (Rupees Eighty Thousand Only) and jewels from the minor boy. Hence, the law enforcing agency registered a case against the petitioner and other accused.



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

4.The learned Government Advocate (Criminal Side) submits that the petitioner and other accused persons have used the minor son of the defacto complainant, taken his photos of his smoking and drinking liquor in the cell phone and blackmailed him and extorted a sum of Rs.80,000/- (Rupees Eighty Thousand Only) and jewels from the minor boy. Hence, he vehemently opposed to grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, 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 District Munsif-cum-Judicial Magistrate, Tharangambadi, 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. until further orders;

(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.

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-sd/-
29/06/2021

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 DISTRICT MUNSIF-CUM-
JUDICIAL MAGISTRATE,
THARANGAMBADI.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PORAYAR P.S.
NAGAPATTINAM DISTRICT.

CC to M/S. M.ZAINUL ABIDEEN Advocate on payment of necessary charges

CRL OP.11079/2021

Date :29/06/2021

cs 15/07/2021