



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16003 of 2021

1 JAGABAR ALI@MOHAMED ALI [PETITIONERS / ACCUSED]
2 OOTY BAVA @ JAGABAR SADIQ

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
KODARACHERY POLICE STATION,
THIRUVARUR DISTRICT.
(CR.NO.1509 OF 2020)

For Petitioner : M/S.P.MUTHAMIZH SELVAKUMAR Advocate

For Respondent : MR.A.GOPINATH, Govt. Advocate (CrI. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 294(b), 504, 509 and 506(i) of IPC 1860 r/w 67 of the Information Technology Act 2000 in Cr.No.1509 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners were working under defacto complainant in a business and they have stolen the mobile phone of the defacto complainant and shared the files and videos from his mobile and abused the defacto complainant's family members. They have also shared abusive words in Whatsapp. Thereafter, the defacto complainant lodged the case against the petitioners. Hence, the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners submit that they have not committed any offence as alleged by the prosecution and the defacto complainant interrupted the Jamadh meeting conducted by the petitioners and recorded the conversations of the meeting. He also submitted that the defacto complainant belongs to the supporters of the opposite candidate. Hence, the petitioners questioned the same and the defacto complainant abused the petitioners using filthy language. Thereby the push and pull has aroused. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.



4. The learned Government Advocate (Crl side) submits that the petitioners and the defacto complainant had personal disputes due to the Jamadh election and also the investigation is pending. Hence he opposed the grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6. 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 receipt of a copy of this order, before the learned Judicial Magistrate Court, Thiruvarur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 petitioners 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 petitioners 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;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

09/09/2021

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

TRUE COPY



1 THE JUDICIAL MAGISTRATE,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
KODARACHERY POLICE STATION,
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.P.MUTHAMIZH SELVAKUMAR Advocate on payment of
necessary charges SR.NO.9824

CRL OP.16003/2021

Date :09/09/2021

CSK 29/09/2021