



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24075 of 2021

Abdul Rasheed

... petitioner

Versus

State Rep by
AWPS -Devala,
The Nilgiris.
(Crime No.1 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioner on bail in the event of their arrest in Crime No.1 of 2021 pending investigation on the file of the respondent police.

For Petitioner : Mr. J.Franklin

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under section 417, 420, 406 & 506(ii) of IPC, in Crime No.1 of 2021 seeks anticipatory bail.

2.The case of the prosecution is that the A2 is the brother of the defacto complainant and he is residing along with his wife and four children It is alleged that A2's wife's brother A1/petitioner came to the residence of A2 and further developed love affair and had physical relationship and out of that a female child was born and thereafter the petitioner left her and went back to Wayanad. Hence, the Law Enforcing Agency registered a case against the petitioner.



3. The learned counsel for the petitioner submits that the petitioner have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that maintenance proceedings have been initiated against the petitioner in M.C.No.49 of 2021. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) submits that investigation almost completed. However, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering that it is a family dispute, this Court is inclined to grant anticipatory bail to the petitioner with the following conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the Judicial Magistrate, Pandalur on condition that the petitioner shall execute a bond for 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 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 are directed to appear before the respondent police as and when required.

[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].



[f] If the accused thereafter absconds, a fresh
FIR can be registered under Section 229A IPC.

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-sd/-
13/12/2021

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,
PANDALUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THE NILGIRIS [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AWPS-DEVALA, THE NILGIRIS.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.J.FRANKLIN Advocate on payment of necessary charges
SR.NO.14613

CRL OP.24075/2021

Date :13/12/2021

JPA 20/12/2021