



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 09/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.650 of 2021

1.Haroon Rasheed @ Haroon Rashith
2.Mubarak Ali @ Mohammed Ali

... Petitioners/Accused
No.2 and 3

Vs

The State rep.by
The Inspector of Police,
Cumbum South Police Station,
Theni District.
Crime No.1037 of 2020.

... Respondent/Complainant

For Petitioners : Mr.S.Balaji,
Advocate.

For Respondent : Mr.A.P.G.Ohm Chairma Prabhu,
Government Advocate (Crl.Side)

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

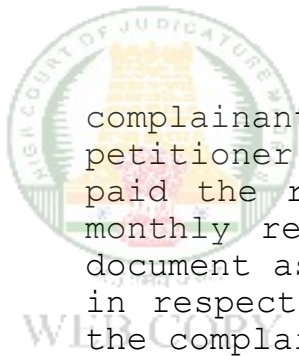
PRAYER :-

For Anticipatory Bail in Crime No.1037 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 294(b),
153A, 420, 467, 468 and 506(ii) IPC in Crime No.1037 of 2020 on the
file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that in the month of September
2017, A1 and the first petitioner herein have approached the defacto
complainant and requested him to give the shop situated in Survey
No.769, at Door No.36, Ward No.22, Velappar Kovil Street, Cumbum,
Theni District on monthly rental basis and the defacto complainant
has also agreed and handed over the above said shop to the first
petitioner on monthly rental basis for a sum of Rs.24,000/- for the
period from 02.09.2017 to 02.09.2018 and thereafter, the monthly
rental was fixed at Rs.30,000/-. As per the agreement the defacto



complainant has received a sum of Rs.6,00,000/- from the first petitioner as advance. Thereafter, the first petitioner has not paid the rental amount and when the defacto complainant asked the monthly rental amount, the petitioners are said to have forged a document as if the defacto complainant has executed a lease document in respect of the property in question for further period. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that complaint has been registered as per the direction given by the learned Magistrate under Section 156(3) Cr.P.C., and the investigation is pending.

5.Considering the above facts and circumstances of the case and considering the fact that custodial interrogation is not necessary, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

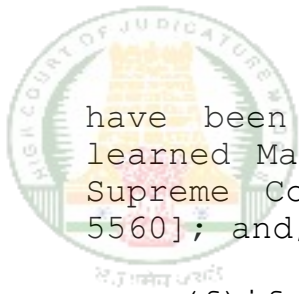
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall appear before the respondent Police 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
CUMBUM SOUTH POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.650 of 2021
Date : 09/03/2021

GNS
TK/SMA/SAR.1/17.03.2021/3P/5C