



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/03/2021

PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP (MD) No.3581 of 2021

A.Syed Samsudeen

... Petitioner/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
K.Pudur Police Station,
Madurai City.
Crime No. 142/2021.

... Respondent/Complainant

M.Velayutham

... Petitioner/Intervener
in CRL MP (MD) No.2792/2021
in CRL OP (MD) No.3581/2021

For Petitioner : Mr.Jinnah.S.M.A.,
Advocate

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

For Intervenor : Mr.M.Asif Mohamed
Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.142 of 2021 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 of IPC and Section 10 r/w.24 of Immigration Act seeks anticipatory bail.

2. Today when the matter is taken up for hearing the learned counsel for the petitioner, defacto complainant and the learned counsel for the defacto complainant appeared before this Court and



stated that the issue between the parties has been resolved and a joint compromise memo has been filed by the petitioner and the first respondent.

3. Taking into consideration the facts and circumstances of the case and also taking note of the fact that issue between the parties has been resolved and a joint compromise memo has been filed by the petitioner and the first respondent this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

4. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.VI, Madurai 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 to 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 Magistrate 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 as and when required for interrogation.

(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.

sd/-
31/03/2021

/ 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 No.VI, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
K.PUDUR POLICE STATION,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to Mr.S.M.A.JINNAH, Advocate (SR-2955[I] dated 07/04/2021)

ORDER
IN
CRL OP(MD) No.3581 of 2021
Date :31/03/2021

AAV
TE/VR : 07/04/2021 : 3P/6C