



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

Wednesday, the Twenty Eighth day of April Two Thousand and Twenty
One

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) No.5413 of 2021

1. Abdul Hasim @ Moohamed Hasim

2. Ganesan ... Petitioners/Accused Rank not Known

Vs

State Rep.by
The Inspector of Police,
Kovilpatti East Police Station,
Thoothukudi District
Crime No.238 of 2021). ... Respondent/Complainant

For Petitioners : Mr.Ashok.J.,
Advocate.

For Respondent : Mr.M.Ganesan,
Government Advocate (Crl.Side)

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

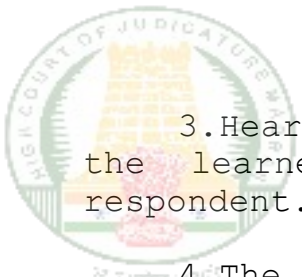
PRAYER :-

To Anticipatory Bail in Crime No.238 of 2021 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 alleged offences punishable under Sections
323, 387 and 352 IPC, in Crime No.238 of 2021, seek anticipatory
bail.

2.The case of the prosecution is that on 06.04.2021, the first
petitioner and ten others came to the place of occurrence and
quarreled with the defacto complainant, as if he distributed money,
thereafter, they snatched a sum of Rs.12,500/- and one Samsung
Galaxy Mobile phone. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl.side) appearing for the respondent.

4. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have falsely implicated in this case. In fact, the *defacto* complainant distributed money on the date of occurrence. He was apprehended by all party members in a particular street and immediately they called the flying squad and handed over to him and they seized a sum of Rs.12,290/- from the *defato* complainant and the case has been registered in Cr.No.236 of 2021 for the offence under Sections 269 r/w 171(E) IPC as against the *defacto* complainant. Hence, he seeks anticipatory bail.

5. The learned Government Advocate (Crl.side) submitted that the offence committed by the petitioners are heinous one. Hence, he prays for dismissal of the anticipatory bail petition.

6. It is seen from the submissions made that the *de facto* complainant belonged to AIADMK political party. On the date of election, the first petitioner and others said to have quarreled with the *defacto* complainant and attacked him and snatched a sum of Rs.12,500/- and also one Samsung Galaxy mobile. There is a case registered against the *defacto* complainant for distributing money to voters at the relevant point of time. Considering the facts and circumstances of the case and the fact that the co-accused have been granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 No.1, Kovilpatti, Thoothukudi 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 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;

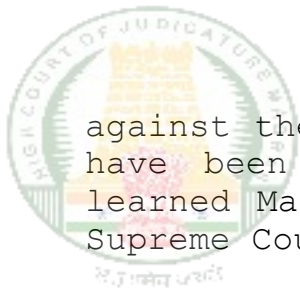
[b] the petitioners shall report before respondent police daily at 10.30 am., until further orders;

[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;

<https://hcservices.ecourts.gov.in/hcservices/>

[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]**;

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

sd/-
28/04/2021

/ 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.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI DISTRICT.
- 3 THE INSPECTOR OF POLICE
KOVILPATTI EAST POLICE STATION, THOOTHUKUDI DISTRICT.
- 4 THE PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.ASHOK.J. Advocate SR.No.3534

ORDER
IN
CRL OP(MD) No.5413 of 2021
Date :28/04/2021

SM
CSL/05.05.2021 :3P/6C