



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15/07/2021

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.5850 of 2021

1. Mohamed Sulthan
2. Mohamed Azarudeen

... Petitioners/Accused Rank Not known

Vs

The State Rep. by,
The Inspector of Police,
Aranthangi Police Station,
Aranthangi,
Pudukottai District.
(Crime No.297/2021).

... Respondent/Complainant

For Petitioner : Mr.J.John,
Advocate.

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

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

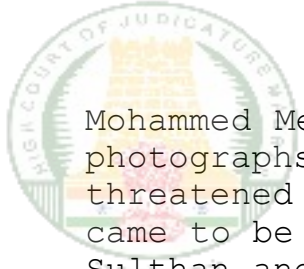
PRAYER :-

For Anticipatory Bail in Crime No.297 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 447 and 506(i) IPC in Crime No.297 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there is previous enmity between the defacto complainant and one Jaffar Ali @ Jaffar Ibrahim. On 30.03.2021, at about 03.00 pm., some persons came in a car bearing registration No.TN-85-5036 and they were taking photos of two houses by covering their face with kerchief. One Shanmugam was asking why they were taking videograph. One person asked whether Mohammed Meera and his children resided there. One Sellam @ Aysa came out of her house and asked them why there were asking about



Mohammed Meera and his children. At that time, the person, who took photographs and another person took the kerchief from their face and threatened them that they would kill them and escaped from there. It came to be known that the name of the person, who took photograph is Sulthan and the person, who accompanied him is Azarudeen. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. In fact there is civil suit pending in O.S.No.178 of 2020 filed by Jaffar Ibrahim against the Kamaludeen. Suit summon was returned as door locked and to verify the same, photograph was taken and the petitioners have not committed any offence.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is not completed.

5.It is seen from the allegation made in FIR that only photograph was taken through cell phone and when that was resisted, the accused said to have made criminal intimidation. It is submitted by the petitioners' counsel that in connection with civil dispute, photograph was taken. Considering the nature of the incident and the fact that custodial interrogation is not necessary in this 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, Aranthangi, 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/-
15/07/2021

/ 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,
ARANTHANGI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ARANTHANGI POLICE STATION,
ARANTHANGI,
PUDUKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5850 of 2021
Date :15/07/2021