



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/05/2021

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PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.6788 of 2021

Beermohamed

... Petitioner/Accused No.1

Vs

State

through the Sub-Inspector of Police,
Batlagundu Police Station,
Dindigul District.

Crime No.153 of 2021.

... Respondent/Defacto Complainant

For Petitioner : Mr.A.Haja Mohideen,
Advocate.

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

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

PRAYER :-For Anticipatory bail in Crime NO.153 of 2021 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 427, 506(i), 379 and 109 of IPC and Section 3(1) of the Tamil Nadu Property (Prevention of Damages and Loss) Act in Crime No.153 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.Heard both sides.

3.There was dispute between the members of Jamath in Jimma Pallivasal. On 04.12.2020, the accused persons said to have abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, this case has been registered.

4.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any

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offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail.

5.The learned Government Advocate (criminal side), on instructions, submitted that no one sustained injury in the scene of occurrence and that the case was registered based on the direction issued by the learned Judicial Magistrate under Section 156(3) of Cr.P.C.

6.Considering the facts and circumstances of the case and the fact that the no one sustained injured in the scene of occurrence, this Court is inclined to grant anticipatory bail to the petitioner on certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest by the respondent police on executing personal 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 and on further condition that the petitioner shall appear before the learned Judicial Magistrate, Nilakottai, and execute a fresh personal 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 concerned Judicial Magistrate, within a period of one month, from the date of resumption of regular work in subordinate Courts in view of the present pandemic situation and on further conditions that:

(a)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 appear before the respondent police, once in two weeks i.e., on Monday, at 10.30 a.m., until further orders;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/05/2021

/ TRUE COPY /

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/ /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,
NILAKOTTAI.
- 2.-DO-THRO'THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3.THE SUB-INSPECTOR OF POLICE,
BATLAGUNDU POLICE STATION,
DINDIGUL DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6788 of 2021
Date :19/05/2021

Ls/Mrn
AE/AKM/SAR-III/25.05.2021/3P/5C