



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED: 05.08.2021  
CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

Crl.O.P. (MD)No.8627 of 2021

Mr.Mohammed Ashik ... Petitioner/Sole Accused

Vs

The State through  
The Inspector of Police,  
Central Crime Branch,  
Madurai.  
(Crime No.8 of 2020)

... Respondent/Complainant

For Petitioner : Mr.Niranjana S.Kumar, Advocate.  
For Respondent : Mr.Antony Sahaya Prabakar,  
Government Advocate (Crl. Side)  
For Intervenor : Mr.Babu Rajendran, Advocate.

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

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C, to grant Anticipatory Bail to the Petitioner/Sole Accused in the event of his arrest or surrender in Crime No.8 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel for the petitioner/accused, the learned Government Advocate (Crl.Side) appearing for the respondent and the learned counsel for the Intervenor.

2. Crl.MP(MD).No.4556 of 2021 was filed by one Jeyaraman and he is represented by his counsel Mr.Babu Rajendran. He is not the defacto complainant in this case. Therefore, this Court called upon the petitioner to implead the defacto complainant. Notice was taken to the address mentioned in the F.I.R. But it was returned as unserved.

3. The petitioner apprehends arrest at the hands of the respondent for the offences under Sections 420 & 506(i) of I.P.C in Crime No.8 of 2020 on the file of the respondent police.

4. The learned counsel for the petitioner made an elaborate submission. The learned Government Advocate (Crl. Side) submitted that investigation in this case is over and the police is about to file the final report. Since investigation is over, custodial



5. Hence, this Court is inclined to grant anticipatory bail to the petitioner, with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate-I, 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 learned Magistrate concerned and on further conditions 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 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]**.

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

sd/-

05/08/2021

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

TO

1 THE JUDICIAL MAGISTRATE-I,  
MADURAI.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,  
CENTRAL CRIME BRANCH,  
MADURAI.

4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.J.Lawrance, Advocate. SR.No.5150.

ORDER

IN

Crl.O.P.(MD)No.8627 of 2021

Date :05/08/2021

KMM

MK/VR/SAR.III/10.08.2021/3P/6C