



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

Date : 27/07/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.9754 of 2021

S.Hussain @ Usain

... Petitioner/Accused No.2

Vs

State represented through the
Inspector of Police,
Karaikudi North Police Station,
Sivagangai District.
(In Crime No.418 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Mohamedhashim,
Advocate.

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

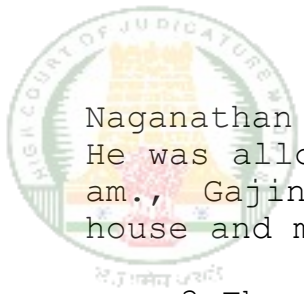
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory bail in Crime No.418 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 alleged offences punishable under Sections 448 and 506(i) IPC in Crime No.418 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was working in AIM Star Electro Mechanical LLC, which is a construction company. He came to Karaikudi in 2019 and then returned to Dubai on 17.12.2020. Since there was no regular work, he was not able to maintain himself and returned. Company owner, Thavaselvam advised him to act as 'Kuruvi' and he offered Rs.1,20,000/- as commission and he told that he sent more than 20 persons as 'Kuruvi' through his company. Due to his financial condition, the defacto complainant accepted for acting as 'Kuruvi'. Broker Satham taken him to a muslim person. They handed over three gold orbs and instructed him to keep them inside his anus. On 02.04.2021, they took him to Sarja Airport and gave Rs.20,000/- and instructed him to go to Chennai. He landed at Chennai in the afternoon. Thavaselvam's uncle and the defacto complainant's uncle Naganathan abducted him and he handed over one gold orb to



Naganathan and one gold orb was handed over to Thavaselvam's group. He was allowed to retain one gold orb. On 19.06.2021, at about 09.20 am., Gajinimammed, Husain and Senthamilselvan had come to his house and made criminal intimidation. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is no way connected with the illegal smuggling of gold orb. Therefore, he seeks anticipatory bail to the petitioner.

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

5.Narration of facts show that the defacto complainant smuggled gold orb as per the instruction of one Thavaselvam. The only allegation against the petitioner is that he said to have trespassed into the house of the defacto complainant and made criminal intimidation against his father. There is no specific overt act against the petitioner and why the criminal intimidation was made. Therefore, this Court is inclined to grant anticipatory bail to the petitioner.

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, Karaikudi, 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 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 Inspector of Police, Sellur Police Station, Madurai daily at 10.30 am., 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]**.

WEB COPY

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

sd/-

27/07/2021

/ 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,
KARAIKUDI.
- 2.-DO- THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
KARAIKUDI NORTH POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- 5.THE INSPECTOR OF POLICE,
SELLUR POLICE STATION,
MADURAI.

ORDER

IN

CRL OP(MD) No.9754 of 2021

Date :27/07/2021

GNS

RT/VR/SAR-IV/30.07.2021/3P/6C