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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11743 of 2021

1. A.MuhamedHussain
2. M.Shiekabdullah

... Petitioners/Accused No.1,2

Vs

State rep.by
The Inspector of Police,
Dindigul North Police Station,
Dindigul,
Dindigul District.
(Crime.No.710 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Abdul Rahman A, Advocate.

For Respondent : Mr.E.Antony Sahaya Prabahar,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.710 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 341, 452 and 506(ii) IPC, in Crime No.710 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are father and son. They have purchased rice from the defacto complainant to the tune of Rs.1,83,675/-, out of which, a sum of Rs.46,000/- has been paid by them and the balance amount has to be paid by the petitioners. Hence, the complaint.



3.The learned counsel for the petitioners submitted that the petitioners are innocents and they are in no way connected with the offence as alleged by the prosecution. The learned counsel further submitted that in order to grab the money from the petitioners, a false complaint has been lodged by the defacto complainant. Hence, he prayed for grant of bail.

4.The learned Government Advocate (Crl.side) for the respondent submitted that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioner and the fact that a part of the amount has been paid by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this petition is allowed. The petitioners are directed 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.II, Dindigul, 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 conditions 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 the respondent police daily at 10.30 a.m. 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;

[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.

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Sd/-
27/08/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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.II,
DINDIGUL.
 2. -DO-THROUGH :THE CHIEF JUDICIAL MAGISTRATE,
DINDUGAL DISTRICT.
 3. THE INSPECTOR OF POLICE
DINDIGUL NORTH POLICE STATION, DINDIGUL,
DINDIGUL DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.ABDUL RAHMAN A Advocate SR.No.5742

ORDER
IN
CRL OP(MD) No.11743 of 2021
Date :27/08/2021