



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01.09.2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.11974 of 2021

Mohammed Eliyas

... Petitioner/Sole Accused

Vs

State Rep. by
The Inspector of Police,
Thuvarankurichi Police Station,
Trichy District.
(Crime No.356/2021).

... Respondent/Complainant

For petitioner : M/s.Jeol Paul Antony, Advocate.

For Respondent : M/s.T.Kottai Chamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail Crime No.356 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No. 2, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 294(b) and 506(i) of I.P.C, in Crime No.356 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the petitioner brother are the members of the Mohideen Andavar Jumma Masjid. Due to previous enmity between the petitioner's brother and the defacto complainant, on 06.08.2021 the petitioner called the defacto complainant through phone and a wordy quarrel arose between the defacto complainant and the petitioner, so the petitioner used filthy language and threatened the defacto complainant with dire consequences.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and there is no bad antecedent against him. Hence, prayed for anticipatory bail.



4. Heard the learned Government Advocate (Crl. Side).

5. Considering the facts and circumstances of the case and the nature of allegations against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manapparai, 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with the evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

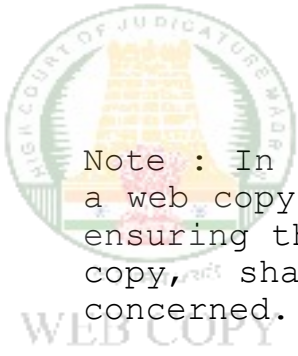
(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]**; and;

(f) if the accused/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-
01/09/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.II)
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,
MANAPPARAI.
2. THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE
THUVARANKURICHI POLICE STATION,
TRICHY DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11974 of 2021
Date :01/09/2021

SP/VR/SAR II/15/09/2021/3P/5C