



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/09/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD)No.12954 of 2021

1.Mohamed Nasar @ Nasar

2.Jaffar Alikhan @ Chinnathambi

3.PrabuPetitioners/Accused Nos.1 to 3

Vs

State rep by

The Inspector of Police

Thirunagar Police Station

Madurai City

Crime No.424 of 2021

...Respondent/Complainant

For Petitioners : Mr.A.Mohammed Yusuf
Advocate

For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side)

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

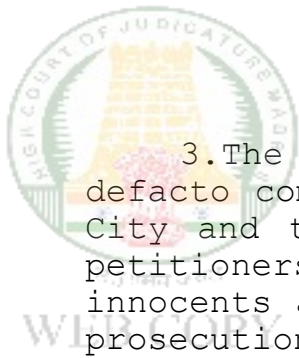
PRAYER :-

For Anticipatory Bail in Crime No.424 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 406, 420 and 506(i) I.P.C, in Crime No.424 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners entered into an agreement for renovation of the defacto complainant's building, for which, the first petitioner has received a sum of Rs.17,00,000/- from the defacto complainant on various dates and thereafter, the petitioners failed to do the renovation work in full and to the satisfaction of the defacto complainant. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the defacto complainant's husband is the Inspector of Police in Madurai City and therefore, a false case has been foisted as against the petitioners. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution.

4.The learned Government Advocate(Crl.Side) would submit that the investigation is yet to be completed.

5.Taking into consideration of the facts and circumstances of the case and the nature of allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or 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.VI, Madurai, 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 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 learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent police as and when required for interrogation;

(c)the petitioners shall not tamper with the 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]***; and;

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



7.The Registry is directed to mark a copy of this order to the Commissioner of Police, Madurai City to look into this issue and for necessary action.

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sd/-
08/09/2021

/ TRUE COPY /

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

msa

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.VI,
Madurai
- 2.Do Through The Chief Judicial Magistrate,
Madurai.
- 3.The Inspector of Police
Thirunagar Police Station
Madurai City
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Commissioner of Police
Madurai City

ORDER IN
CRL OP(MD) No.12954 of 2021
Date : 08/09/2021

TR/SKN/SAR-III(17.09.2021) 3P 6C