



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

Date : 22.09.2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.13839 of 2021

Syed Mohamed @ Mujiboor Rahman ... Petitioner/Accused
Rank Not Known

Vs

The Inspector of Police,
Natham Police Station,
Dindigul District.
(Crime No.695 of 2021)

... Respondent/Complainant

For Petitioner : Mr.V.Karuna
Advocate.

For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.695 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 324, 341, 394 and 506(ii) IPC, in Crime No.695 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.07.2021 at about 09.30 p.m., when the de-facto complainant was returning to his house, the petitioner along with others waylaid the de-facto complainant, abused in filthy language and attacked him with hands and also snatched his mobile phone, ATM Card, driving license and cash Rs.250/-. Hence, the complaint.

3.This is the petitioner's second anticipatory bail application. The earlier application in Crl.O.P.(MD)No.11239 of 2021 was dismissed by order dated 19.08.2021 on the ground that two previous cases of similar in nature are pending against the petitioner.



4.The learned Government Advocate (Crl. Side) for the respondent submits that the petitioner is still absconding and unless the petitioner surrenders or co-operates for enquiry, the truth will not come to light and therefore, the custodial interrogation of the petitioner is very much necessary in this case. Hence, he strongly opposed to grant of anticipatory bail to the petitioner.

5.The learned counsel for the petitioner submits that the petitioner is ready to surrender and co-operate for the investigation.

6.Considering the facts and circumstances of the case, the antecedents of the petitioner and his willingness to co-operate for the investigation, this Court is inclined to grant anticipatory bail to the petitioner.

7.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, Natham, Dindigul District, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like sum to the satisfaction of the learned Judge 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 Judge 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, daily at 10.30 a.m., until further orders.

(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 Judge/ 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 Judge/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 abscond, a fresh FIR can be registered under Section 229-A IPC.

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22/09/2021

/ TRUE COPY /

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

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

ORDER IN
CRL OP(MD) No.13839 of 2021
Date : 22.09.2021

TR/JC/SAR-IV(06.10.2021) 3P 5C