



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

Date : 06/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15234 of 2021

M.Mohamed Ali

... Petitioner/Sole Accused

Vs

The Inspector of Police,
Kenikkarai Police Station,
Ramanathapuram District.
(Crime No.680 of 2021)

... Respondent/Complainant

For Petitioner : Mr.A.Prakash,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

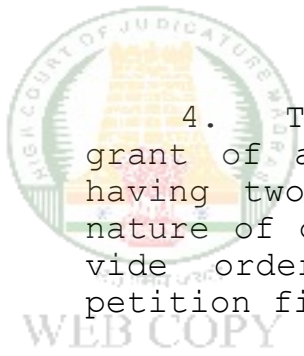
PRAYER :- For Anticipatory bail in Crime.No. 680 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 294(b), 353 and 506(i) IPC, in Crime No.680 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant is working as a Special Sub Inspector, Kenikkarai Police Station, Ramanathapuram District. On 31.08.2021, when the petitioner/accused was remanded in the Court in Cr.No.225 of 2009 (previous case), he abused the defacto complainant in filthy language and threatened him with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submits that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. He further submits that the case itself is a foisted one. Hence, he prayed for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Crl. Side) opposed for grant of anticipatory bail on the ground that the petitioner is having two previous cases of heinous offences. Considering the nature of offence and the antecedent of the petitioner, this Court, vide order dated 17.09.2021, dismissed the anticipatory bail petition filed by the petitioner in Crl.O.P.(MD)No.13740 of 2021.

5. This Court dismissed the earlier anticipatory bail petition filed by the petitioner on 17.09.2021. However, the respondent Police has not taken any steps to secure the petitioner, though he is appearing before the concerned Judicial Magistrate in Cr.No.225 of 2009. Since the respondent Police has not taken any steps secure the petitioner herein, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, this criminal original petition is allowed and 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 No.II, Ramanathapuram, 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 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 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 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 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 petitioner is 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/10/2021

/ 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.

WEB COPY

TO

1. THE JUDICIAL MAGISTRATE NO.II,
RAMANATHAPURAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
KENIKKARAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.15234 of 2021

Date :06/10/2021

OGY

MS/VR/SAR-2/20.10.2021/3P.5C