



WEB COPY

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

Date : 22/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP (MD) . No.15989 of 2021

Sait Nazmudeen

... Petitioner/Accused
Rank Not Known

Vs

1. The Commissioner of Police,
Ludhiana,
State of Punjab
(Coma No.8785 of 2021).
2. The Inspector of Police,
Melur Police Station,
Madurai District.
(Crime No.Not Known of 2021).
3. Jagjit Singh and Sons,
135,Lachham Nagar,
Miller Ganj,
Ludhiana,
State of Punjab.

... Respondents/Complainants

For Petitioner : M/s.Prithviraj.P.R, Advocate.

For Respondent : M/s.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. Not known of 2021 on the
file of the Respondent Police.

ORDER : The Court made the following order :-

<https://hcservices.ecourts.gov.in/hcservices/>

The petitioner, who apprehends arrest at the hands of the
second respondent Police for Non-bailable warrant issued in



C.O.M.A.No.8785 of 2021 on the file of the J.M.I.C (Judicial Magistrate 1st Class), Ludhiana, State of Punjab by order dated 27.09.2021, seeks inter-State anticipatory Bail.

2. The case of the prosecution is that the petitioner is running a Cycle Company in the name and style of M/s.Kalpna Cycle Mart and he has purchased spare parts of the cycles from the defacto complainant, who is running the Company in the name of "Jagjit Singh & Sons". But, he did not return the amount for having purchased the spare parts from the defacto complainant. Hence, the complaint.

3. Learned Counsel for the petitioners submits that the petitioner is an innocent person and has not committed any offence as alleged by the prosecution. He prays for grant of interim anticipatory bail for a limited period, so as to enable him to approach the jurisdictional Court to get regular bail.

4. A Division Bench of this Court in the decision reported in **1992 LW (Cr1) 475, [S.P.Shanthi Swaroop and Others v. State of Tamil Nadu]**, after considering several judgments delivered by various High Courts, has held that in respect of persons, who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court was having jurisdiction, this Court can grant them Anticipatory Bail for a limited period and direct the concerned persons to move the Court, which is having regular jurisdiction over the matter in the meantime. The relevant portion in the said judgment reads as follows:

"The High Court or the Court of Session has got power under Section 438, Cr.P.C., to grant Anticipatory Bail irrespective of the local ...of the commission of the offence. In other words, in respect of persons, who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court irrespective of the fact that they are residents of the place over Anticipatory Bail. However, we wish to observe that while granting Anticipatory Bail, this Court has to restrict the relief for a limited period and to direct that concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the Petitioners available for interrogation by the concerned Police in the meantime."

5. Considering the facts and circumstances of the case and in view of the decision referred to supra, without expressing any opinion with regard to the merits of the case, this Court is



inclined to grant Inter-State Anticipatory Bail to the petitioner, enabling him to move the concerned Court of jurisdiction for Anticipatory Bail.

6. Accordingly, Anticipatory Bail is granted to the petitioner for a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to be enlarged on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Melur, on his executing a personal bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 condition that within the said period of four weeks, the petitioner shall appear before the concerned Court of jurisdiction and move for Anticipatory Bail before the said Court.

7. In fine, this criminal original petition is allowed in the above terms.

Sd/-
22/10/2021

/ TRUE COPY /

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

ssb

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,
MELUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>
3. THE JUDICIAL MAGISTRATE 1st Class,
Ludhiana, State of Punjab.



4. THE COMMISSIONER OF POLICE,
LUDHIANA,
STATE OF PUNJAB,
(COMA NO.8785 OF 2021)

5. THE INSPECTOR OF POLICE,
MELUR POLICE STATION,
MADURAI DISTRICT.

6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.15989 of 2021
Date :22/10/2021

SP/SKN/SAR IV/01/11/2021/4P/7C