



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

Date : 12/10/2021

PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD). No.15776 of 2021

A.Abdul Harish @ Abdul Karin

... Petitioner/Accused No.6

Vs

The State Rep.by
The Inspector of Police,
Bazaar Police Station,
Ramanathapuram District.
Crime No.335 of 2017.

... Respondent/Complainant

For Petitioner : Mr.I.Pinaygash,
Advocate.

For Respondent : R.Meenakshi Sundaram,
Additional Public Prosecutor

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

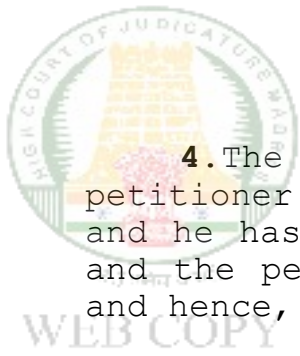
PRAYER :- For Anticipatory bail in Crime.No.335 of 2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 147,148,294 (b), 452 and 506 (ii) of IPC and Section 3 of Tamil Nadu Public Property (Prevention of Damage and Loss) Act 1992 in Crime No.335 of 2017 on the file of the respondent police, the petitioner has come forward with this petition seeking anticipatory bail.

2.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent police.

3.The case of the prosecution is that there was wordy quarrel between the son of the defacto complainant and the petitioner over the construction of Pallivasal, due to which, the petitioner abused the defacto complainant's son and threatened him with dire consequences and also damaged his house door and two wheeler. Hence, the complaint.



4.The learned counsel for the petitioner would submit that the petitioner is an practising Advocate and he is an innocent person and he has not committed any offence as alleged by the prosecution and the petitioner has been falsely implicated in the present case and hence, he seeks anticipatory bail.

5.The learned Additional Public Prosecutor, on instructions, submitted that already charge sheet has been filed before the Judicial Magistrate Court No.I, Ramanathapuram and it was taken on file as PRC No.38 of 2021 and the next date of hearing is 01.11.2021 for the appearance of the accused person.

6.Considering the facts and circumstances of the case and also considering the fact that charge sheet has already been filed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram, and on his executing 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 Aadhar cards or Bank pass Books to ensure their identity;

(b) the petitioner is directed to appear before the Judicial Magistrate Court No.I, Ramanathapuram on 01.11.2021 and as and when required by the Magistrate concerned.

(c) the petitioner shall not tamper with 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/-
12/10/2021

/ TRUE COPY /

WEB 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.

TO

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

ORDER
IN
CRL OP(MD) No.15776 of 2021
Date :12/10/2021

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