



WEB COPY

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

Date : 26.04.2022

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . No.7779 of 2022

A.Satham Hussain

... Petitioner/1st Accused

Vs

The State represented by
The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
(Crime No.272 of 2021)

... Respondent/Complainant

For Petitioner : Mr.B.Senthilkumar, Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.272 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 332, 353, 506(2) and 379(NH) IPC, in Crime No.272 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 05.11.2021 at about 04.30 p.m., the defacto complainant, who is the Government bus conductor, was standing in the road for giving instructions for the bus driver for taking the bus on the reverse side, the petitioner and two other persons attacked the defacto complainant and taken Rs.500/- from him and ran away from that place. Hence, the complaint.



3.The case of the petitioner is that when the petitioner was moving in his bike, the defacto complainant's bus while taking reverse had hit the two wheeler, that the petitioner fell down on the road and sustained injury and that when the same was questioned by him, the defacto complainant has lodged a false complaint.

4.The learned counsel for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution. He would further submit that the second accused was already arrested and released on bail.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is having one previous case for the offence under Section 307 IPC.

6.No doubt, the earlier application for anticipatory bail filed by the petitioner was dismissed by this Court in Crl.O.P.(MD) No.17814 of 2021 vide order dated 25.11.2021.

7.Considering the above facts and circumstances and also the facts that the co-accused was already released on bail and that investigation might have been completed by this time, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

8.Accordingly, the petitioner shall deposit a sum of **Rs.5,000/- (Rupees Five Thousand Only)** to the Madurai Bench of Madras High Court Advocates Welfare Fund [Indian Bank High Court Branch, Madurai, Current Account No.7087208431, IFSC IDIBI000H040] without prejudice to his rights and contentions before the trial Court and produce the receipt/acknowledgment before the learned Judicial Magistrate, Rameshwaram.

9.On production of such receipt/acknowledgment, 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, Rameshwaram, 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., for a period of one month and thereafter, as and when required for interrogation.

[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 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]**.

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

26/04/2022

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/ /2022

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

CSM

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, RAMESHWARAM.
2. -DO- THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
PAMBAN POLICE STATION,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE OFFICER INCHARGE, MADURAI BENCH OF
MADRAS HIGH COURT ADVOCATES WELFARE FUND,
MADURAI.

+1. CC to M/S. SENTHILKUMAR.B. Advocate SR.No.3823

ORDER

IN

CRL OP(MD) No.7779 of 2022

Date :26/04/2022