



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20.04.2022

WEB COPY

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD) . No.7296 of 2022

Haja Marjuq

... Petitioner/ Accused
Rank Not Known

Vs

The State represented by
The Inspector of Police,
CCD-III Police Station,
Trichy City.
(Crime No.1 of 2022)

... Respondent/ Complainant

For Petitioner : Mr.D.S.Haroon Rasheed,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 416, 419, 465, 468 and 471 IPC and Sections 66(C), 66(D) and 84(B) of IT (Amendment) Act, 2008, in Crime No.1 of 2022, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the defacto complainant and one Harsitha Meera was solemnized on 21.03.2021 and on the same day, the defacto complainant came to know that the first accused sent a courier to the said Harsitha Meera in the name of the defacto complainant and in that courier, the first accused has mentioned a specific phone number as 9994058112 by indicating chat me and thereafter, they were chatting through Whatsapp and that after knowing about the same, the defacto



complainant and the said Harsitha Meera got separated and that there existed previous enmity between the defacto complainant and the first accused and in order to spoil the defacto complainant's life, the first accused along with other accused had done the above alleged offence. Hence, the complaint.

WEB COPY

3.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 accused 1 and 2 were already arrested and released on bail.

4.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioner is not having any previous cases.

5.Considering the nature of charges levelled against the petitioner and also the facts that the main accused 1 and 2 were already released on bail and that the petitioner is not having any previous cases for similar offence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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, Trichy, 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/-
20/04/2022

/ TRUE COPY /

WEB COPY

/ /2022
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.II, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
CCD-III POLICE STATION,
TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7296 of 2022
Date :20/04/2022

CSM
MS/JM/SAR-1/26.04.2022/3P.5C