



WEB COPY



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

Date : 24/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.14317 of 2022

Abdul Vahab @ Arafa Vahab

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
Kadayanallur Police Station,
Tenkasi District.
(Crime No.204 of 2022).

... Respondent/Complainant

For Petitioner : M/s.Karthick R.J., Advocate

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.204 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 420, 506(ii) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.204 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as stated by the defacto complainant is that her husband Shek Uthuman and this petitioner/Abdul Vahab @ Arafa Vahab were close friends. He introduced one Uthuman Muhaideen/A2 stating that he was the owner of property situated at North street. On 17.05.2022, said Uthuman Muhaideen received Rs.52 lakhs and the same was signed by this



petitioner. On going through the Encumbrance Certificate, it was found that the said property did not belong to A2 and hence, the matter was taken before Jamath. In Jamath, A2 agreed that said property did not belong to him and also agreed to settle the amount. On 17.06.2022, the accused persons were walking in front of the house of the defacto complainant, she demanded to return the amount. At that time, the accused persons abused her with filthy language and also criminally threatened her with dire consequences. Hence, the complaint.

3. The learned counsel for the petitioner submitted that the petitioner is only acting as a mediator and he agreed to get back money from A2. Under pressure only, cheques were obtained from him, over which, a case in Crime No.205 of 2022 was registered. A civil suit also filed in O.S.No.421 of 2022, before the Principal Sub Court, Tenkasi by the defacto complainant against the petitioner.

4. On going through the CD file, it reveals that the petitioner has signed only as a first witness in the sale agreement dated 17.03.2022. Considering the limited role played by the petitioner, the pendency of the civil suit, this Court is inclined to grant anticipatory bail to the petitioner.

5. Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned Judicial Magistrate, Tenkasi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioner shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-
24/08/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



1. THE JUDICIAL MAGISTRATE,
TENKASI.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
KADAYANALLUR POLICE STATION,
TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.14317 of 2022
Date :24/08/2022

SP/SVR/SAR IV/06/09/2022/3P/5C