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

Date : 04/11/2022

PRESENT

**The Hon`ble Mr.Justice A.A.NAKKIRAN**

**CRL OP(MD) . No.19519 of 2022**

Mohammed Ismail

... Petitioner/Accused No.2

Vs

State rep.by  
The Inspector of Police,  
Manapparai Police Station,  
Trichy District.  
(Crime No.359 of 2022)

... Respondent/Complainant

For Petitioner : M/s.Joel Paul Antony A, Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.359 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 341, 387 and 506(i) of I.P.C, seeks anticipatory bail.

2.The case of the prosecution is that on 17.10.2022, the petitioner along with his brother stopped the TATA ACE Vehicle near Muthapudaiyanpatti, which was carrying the fertilizer from one Saraswathi Fertilizer Shop, Trichy and they threatened the defacto complainant and took photocopies of the receipts of the above said fertilizer shop. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the petitioner did not commit any offence as alleged by the prosecution. Hence, he may be granted anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that in this case, the first accused was arrested and till now, he is still in judicial custody and the investigation is not yet completed. He would further submit that no previous case is pending against the petitioner.

5.Considering the facts and circumstances of the case and also considering the nature of charges levelled against the petitioner and also the fact that the petitioner is not having any bad antecedents, 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, Manapparai, 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 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 file an undertaking affidavit before the concerned Court as well as the respondent police that he will not indulge in any kind of offence in future.

[c] shall report before respondent police daily at 10.30 a.m., until further orders;

[d]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[e]the petitioner shall not abscond either during investigation or trial.

[f]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]**.



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

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Sd/-  
04/11/2022

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

cp

TO

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

+1. CC to M/S.JOEL PAUL ANTONY A Advocate SR.No.12426

ORDER  
IN  
CRL OP(MD) No.19519 of 2022  
Date :04/11/2022

SP/SSS/SAR I/17/11/2022/3P/6C