



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT



(Criminal Jurisdiction)

Wednesday, the First day of March Two Thousand and Twenty Three

PRESENT

WEB COPY

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3347 of 2023

Sahabudeen,

... Petitioner/Accused No.5

Vs

1.The State rep.by,
The Inspector of Police,
Dindigul CBCID Police Station,
Dindigul District.

2. The State rep.by,
The Inspector of Police,
Town South Police Station,
Dindigul District.

...Respondents/Complainants

For Petitioner : Mr.C.M. Arumugam,
Advocate.

For Respondents : Mr.K.Sanjai Gandhi,
Government Advocate (Crl.Side)

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

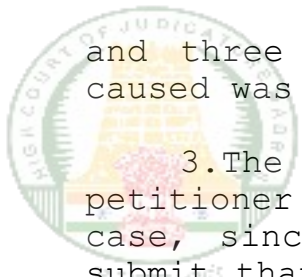
PRAYER :-

For Anticipatory Bail in Crime No.01 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner/A5, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 446, 447, 436, 153(A), 147 and 120(b) of I.P.C. and Section 3 of TNPPDL Act, in Crime No.01 of 2022 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant Palraj, is that he is doing business by selling second handed two wheeler in the name and style of PVT Consultant. The further allegation is that on 23.09.2022 at about 10.00 p.m, he had closed the shop and went to his house and that on 24.09.2022 at about 03.30 a.m., when he had come out of his house, he had found that his car



and three two wheelers and one car were ablazed and the damage caused was to the tune of Rs.5,00,000/-. Hence, the case.



3.The learned counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case, since he happens to be a member of SDPI. He would further submit that based on the FIR, one Sikkandhar/A1 was summoned under Section 41-A of Cr.P.C and when he had gone for enquiry, he was arrested. The petitioner also understands that the said Sikkandhar/A1 has given a confession statement, wherein, he has not spoken about anybody and he has only spoken about the involvement of A2 to A4 and subsequently, based on the confession of A1, A2 to A4 surrendered before the concerned Court and thereafter, they were taken into custody and during such custody, A2 is said to have given a confession implicating the petitioner. Subsequently, a search was also conducted in the house of the petitioner and nothing incriminating was recovered and in the meanwhile, A1 and A2 have been detained under National Security Act.

4.The respondent police has filed a detailed counter and in the said counter, in respect of the petitioner, in the unnumbered paragraph at Page No.4, it has been stated that the house of the accused was searched in the presence of the witnesses and from his house, documents including SDPI card identified as Sahabudeen City Secretary and a notice stating that he will stand with a "Popular Front" and a receipt dated 23.09.2018 for payment of funds to Popular Front of India were seized and produced before the Court in RPR No.01/2023. From the seized documents it is clear that the accused was active in SDPI and the banned organisation of PFI.

5.The learned Government Advocate (Crl. side) would submit that the petitioner is an active member of SDPI party and that on search, a notice was found in this case stating that he will stand with a "Popular Front" and he has also paid funds to Popular Front of India and he has also involved with the other accused. Hence, he would object for grant of anticipatory bail.

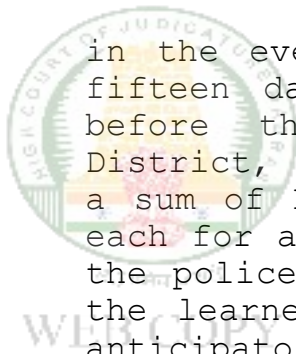
6.In reply, the learned counsel for the petitioner would submit that though the respondent police have referred to about the CCTV footages in the counter, they have not mentioned whether the petitioner was available at the scene of occurrence. He would further submit that the petitioner is ready and willing to abide by any stringent conditions and he is also ready to appear before the respondent police for investigation. Hence, he would seek for anticipatory bail.

7.Heard. Perused the materials available on record including the First Information Report.

8.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

<https://www.mhc.tn.gov.in/judis>

9.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 on which the order copy made, before the learned Judicial Magistrate Court No.2, Dindigul District, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 card or Bank Pass Book to ensure their identity.

[b] the petitioner shall report before the respondent Police, everyday 10.30 a.m., and 05.30 p.m until further orders.

[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].

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

sd/-
01/03/2023

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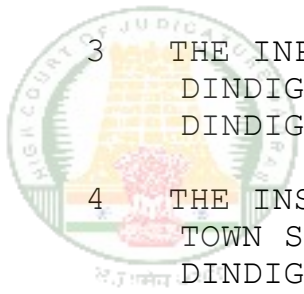
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

TO

1 the judicial magistrate court no.2,
dindigul district.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.



3 THE INSPECTOR OF POLICE
DINDIGUL CBCID POLICE STATION,
DINDIGUL DISTRICT.

4 THE INSPECTOR OF POLICE
TOWN SOUTH POLICE STATION,
DINDIGUL DISTRICT.

5 The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1. CC to C.M. ARUMUGAM Advocate SR.No.3244

ORDER
IN
CRL OP(MD) No.3347 of 2023
Date :01/03/2023

SI/SKN/SAR-1/08.03.2023) 4P/ 7C