



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 29/03/2023
PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5878 of 2023

Abbas @ Syed Abbas

... Petitioner/Accused 2

Vs

The State rep.by
The Inspector of Police,
Melapalayam Police Station,
Melapalayam,
Tirunelveli City.
Crime No.91 of 2023.

... Respondent/Complainant

For Petitioner : M/s.N.PRAGALATHAN,
Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor

For Intervenor : Mr.C.SUSIKUMAR, Advocate

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

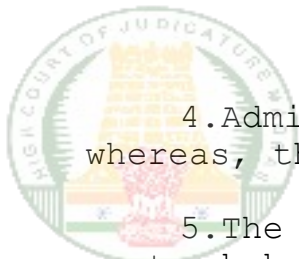
PRAYER :- For Anticipatory Bail in Crime No.91 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 406, 420 and 506(i) of I.P.C., in Crime No.91 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant and the third accused were working in abroad and on 13.07.2021, the de-facto complainant had sent 880 grams of gold ornaments through the third accused from Dubai to Trichy and asked him to handover the same to his brother. But the third accused did not hand over the same and left the Airport. When the de-facto complainant approached the first accused, the first accused demanded from the de-facto complainant. Further, the petitioner and others threatened the de-facto complainant. Hence, the case.

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



4. Admittedly, the alleged crime was occurred on 13th, whereas, the complaint was lodged only in the year 2023.

5. The learned counsel for the de-facto complainant vehemently contended that the petitioner, who is the kingpin, had picked A3 in the Airport and collected the entire jewels. Thereafter, he refused to return back the jewels to the de-facto complainant.

6. The learned counsel for the petitioner would submit that the petitioner is only a driver and he picked A3 from the Airport and except that no overt act is attributed as against the petitioner. That apart the complaint was lodged only in the year 2013 and the occurrence took place on 13.07.2021.

7. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

8. 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 ready, before the learned Judicial Magistrate Court No.5, Tirunelveli, 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, daily at 10.30 a.m. and 05.30 p.m., for a period of four weeks and thereafter as and when required for interrogation.

[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].



CRL OP(MD).



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

sd/-
29/03/2023

/ TRUE COPY /

/04/2023

WEB COPY

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

SJI

TO

1 THE JUDICIAL MAGISTRATE COURT NO.5
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3 THE INSPECTOR OF POLICE,
MELAPALAYAM POLICE STATION,
MELAPALAYAM,
TIRUNELVELI CITY.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.N.PRAGALATHAN Advocate SR.No.5113

ORDER

IN

CRL OP(MD) No.5878 of 2023
Date :29/03/2023

SA/BUC/SAR.4/18.04.2023/3P/6C