



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/06/2023

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PRESENT

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

CRL OP(MD) . No.9812 of 2023

1.H.Peer Mohideen @ Beer Mohidheen(Bheerappa)
2.S.Sikkanthar Aseek @ Sikkanthar Aseek
3.N.Mohammed @ Mohammadhu

... Petitioners/Accued Nos. 1 to 3

Vs

State rep. By
Inspector of Police,
DCB Police Station,
Thoothukudi District.
(Crime No.20 of 2023).

... Respondent/Complainant

For Petitioner : Mr.G.Anto Prince,
Advocate.

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

For Intervenor : Mr.K.Sivabalan,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.20 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 406, 417, 418, 419, 420, 427, 465, 468 and 120B of IPC in Crime No.20 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that on 03.01.2023, all the accused persons together impersonated as Jawahirullah, who is the State President of TMMK and acquired a four wheeler/ ambulance from the respondent Police with forged signature. Hence, the complaint.



3. Heard both side and perused the materials available on record including the First Information Report.

4. It is seen that the petitioners are now ready and willing to transfer the ownership of the said four wheeler/ambulance in the name of the defacto complainant.

5. Taking into consideration the aforesaid facts, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of **four weeks** from the date on which the order copy made ready, before the learned Judicial Magistrate No.IV, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each 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 petitioners are directed to file an undertaking affidavit before the trial Court that they shall transfer the ownership of the Ambulance van within a period of two weeks from the date of production of sureties. If the petitioners fail to comply with the condition, the anticipatory bail granted to the petitioners shall automatically cancelled and the respondent is at liberty to secure the petitioners and proceed in accordance with law.

[b] the petitioners 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.

[c] the petitioners shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

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

[e] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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 229A IPC.

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

MRN

TO

- 1 THE JUDICIAL MAGISTRATE NO.IV
THOOTHUKUDI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI.
- 3 INSPECTOR OF POLICE
DCB POLICE STATION THOOTHUKUDI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-8568[I] dated 13/06/2023)

ORDER
IN
CRL OP(MD) No.9812 of 2023
Date :12/06/2023

PKP/CG/SAR- /15.06.2023/ **3P/6C**