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CRL OP(MD)



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

Date : 07.06.2023

PRESENT

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

CRL OP(MD)No.9849 of 2023

B.Fazuludeen

... Petitioner/Accused No.1

Vs

The State Rep by
The Inspector of Police,
Fort Police Station,
Tricy City,
Trichirappalli District.
(Crime No.801 of 2023)

... Respondent/Complainant

For Petitioner : Mr.K.S.Kathiravan, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.801 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 448, 427, 379 and 506(1) IPC in Crime No.801 of 2023 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant
<https://www.court.gov.in/jds> plywood business in a building owned by one Sakkurunisha.



After his demise, he has been paying rent regularly to her. The petitioner herein, who is another son of the said Sakkurunisha, asked him to pay rent to him, for which, the defacto complainant asked them to sort out their family dispute. Due to the same, the petitioner threatened him with dire consequences and also taken away some articles kept in the shop worth about Rs.2,00,000/- and cash of Rs.50,000/- and he also damaged the board of the shop, worth about Rs.20,000/-. Hence, the case.

3. Heard both sides and perused the materials available in the record.

4. It is seen that there was civil dispute between the parties. According to the complainant, the petitioner taken away the articles kept in the shop. Considering the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

5. 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 No.1, Trichirappalli, 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., for a period of two 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].



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

sd/-
07/06/2023

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/06/2023

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

GNS

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TRICHIRAPPALLI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TRICHIRAPPALLI DISTRICT.
- 3 THE INSPECTOR OF POLICE
FORT POLICE STATION, TRICHY CITY,
TRICHIRAPPALLI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.KATHIRAVAN K.S. Advocate SR.No.26714 (F)

ORDER
IN
CRL OP(MD) No.9849 of 2023
Date :07/06/2023

PKP/BUC/SAR- /14.06.2023/ **3P/6C**