



CRL OP(MD) No.1333 of 2024

WEB COPY

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

Wednesday, the Thirty First day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.1333 of 2024

1 MOHAMMED SATHIK ALI @ MOHAMMED SATHIK

2 MOHAMMED ASLAM @ ASLAM

... Petitioner / Accused No.1 & 2

Vs

THE INSPECTOR OF POLICE
LALGUDI POLICE STATION,
TRICHY DISTRICT,
(CRIME NO.40/2024)

... Respondent / Complainant

For Petitioner : M/s.D.Senthil, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (Crl. Side)

For Intervener : Mr.T.Lenin Kumar, Advocate

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

PRAYER :

FOR ANTICIPATORY BAIL IN CRIME NO.40/2024 ON THE FILE OF
THE RESPONDENT POLICE



CRL OP(MD) No.1333 of 2024

ORDER: The Court Made the following order :-

WEB COPY

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 448, 294(b), 323, 506(ii) and 379 of IPC, in Crime No.40 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the landlord. He entered into tenancy agreement with the defacto complainant. All of sudden, without the knowledge of the defacto complainant, the petitioners thrown away the Pooja Articles, which were kept in the shop of the defacto complainant 4 kilometre far away from the shop. Hence, the defacto complainant lodged a complaint before the Law Enforcing Agency against the accused persons.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution. He further submitted that the first petitioner is the owner of the shop. The second petitioner is the son of the first petitioner. However, the petitioners are ready and willing to pay a sum of Rs.10,000/- by way of Demand Draft to the defacto complainant without prejudice to their rights and prayed for granting anticipatory bail to the petitioners.

4.The learned counsel for the defacto complainant submitted that the defacto complainant was running a Pooja Stall for the past 7 years in one portion of



CRL OP(MD) No.1333 of 2024

WEB COPY
'Nowshat Shoe Mart' owned by the first petitioner. All of sudden, without the knowledge of the defacto complainant, the petitioners thrown away the Pooja Articles, which were kept in the shop of the defacto complainant 4 kilometre far away from the shop. The value of the Pooja Articles is Rs.1 lakh. Hence, he opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that due to rental issue, the petitioners thrown away the Pooja Articles, which were kept in the shop of the defacto complainant 4 kilometre far away from the shop. The value of the property is Rs.1 lakh. Hence, he vehemently, opposed to grant anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering the facts that it is not a case of stolen the properties and it is a case of thrown away the properties from the shop to some other place, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalgudi, 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



CRL OP(MD) No.1333 of 2024

the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) (i) the petitioners shall take a Demand Draft in favour of the defacto complainant for a sum of Rs.10,000/- (Rupees Ten Thousand Only) and produce the same before the learned Judicial Magistrate, Lalgudi. On production of such Demand Draft, the learned Judicial Magistrate, Lalgudi, shall accept the sureties furnished by the petitioners and entrust the Demand Draft directly to the defacto complainant after obtaining proper affidavit from him.

(b) if the petitioners failed to surrender before the concerned Magistrate within a period of two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(c) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d) the petitioners shall report before the respondent police daily at 10.30 a.m until further orders;

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(f) the petitioners shall not abscond either during investigation or trial;



CRL OP(MD) No.1333 of 2024

WEB COPY

(g) 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 Hon'ble Supreme Court in P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/01/2024

/ TRUE COPY /

/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

To

1.The Judicial Magistrate,
Lalgudi.

2.Do through the Chief Judicial Magistrate,
Trichy District.

3.The Inspector of Police,
Lalgudi Police Station,
Trichy District.



CRL OP(MD) No.1333 of 2024

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

+1 CC to M/s.D.SENTHIL, Advocate (SR-1249[I] dated 31/01/2024)

+1 CC to M/s.T.LENINKUMAR, Advocate (SR-1285[I] dated 01/02/2024)

ORDER

IN

CRL OP(MD) No.1333 of 2024

Date :31/01/2024

ED/ GS /SAR- (06/02/2024) 6P / 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from
17/07/2023