



CRL OP(MD) No.3480 of 2024

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

Tuesday, the Fifth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3480 of 2024

SATHAM HUSSAIN

... PETITIONER/ ACCUSED RANK NOT
KNOWN

Vs

THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION,
MADURAI CITY.
CRIME NO.5 OF 2024.

... RESPONDENT/ COMPLAINANT

For Petitioner : MR.M. ARIKARAN Advocate

For Respondent : MR.S.MANIKANDAN, Govt. Advocate (Crl. Side)

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

PRAYER: FOR ANTICIPATORY BAIL IN CRIME NO.5 OF 2024 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for
the alleged offence under Sections 393 and 397 IPC in Crime No.5 of 2024, seeks

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anticipatory bail.

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2.The case of the prosecution is that the defacto complainant and one Seeni Mohammed Aarif went to Chennai to purchase 3 kgs of gold and on 06.01.2024, they arrived at Madurai at 05.00 a.m., through Pandian Express and when they proceeded near Jhansi Rani Park, four persons came in two wheeler and tried to snatch the gold from them. Since they have not given the gold, the accused persons assaulted the defacto complainant and his friend, due to which, they sustained injuries. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he would further submit that the petitioner is ready to deposit a sum of Rs.1,00,000/- , to the credit of Crime No.5 of 2024 before the trial Court without prejudice to his rights and contentions and the trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that in the event the petitioner succeeds in the trial, liberty may be granted to the petitioner for refund of the said amount. Therefore, he prays for grant of anticipatory bail to the petitioner.



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4.The learned Government Advocate (Crl.side) appearing for the respondent Police would submit that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and the fact that the petitioner is ready to deposit a sum of Rs.1,00,000/- before the trial Court, without prejudice to his rights and contentions, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, the petitioner is granted anticipatory bail and he 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.IV, Madurai 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 and on further condition that:

(a)if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall

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stand automatically cancelled;

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(b) 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;

(c) the petitioner shall make a payment of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.5 of 2024 before the learned Judicial Magistrate No.IV, Madurai, without prejudice to his rights and contentions, within a period of two weeks from the date of receipt of a copy of this order and the trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that in the event the petitioner succeeds in the trial, he is entitled for refund of the said amount;

(d) 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;

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

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

(g) 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



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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/-
05/03/2024

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/03/2024
Sub-Assistant Registrar (CS- I / II /III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSB

TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.

3.THE INSPECTOR OF POLICE
SOUTH GATE POLICE STATION,
MADURAI CITY.

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



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ORDER
IN
CRL OP(MD) No.3480 of 2024
Date :05/03/2024

RK/GS(11/03/2024) 6P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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