



CRL OP(MD) No.3930 of 2024

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

Thursday, the Twenty First day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3930 of 2024

SYED IBRAHIM BABUSHA ... PETITIONER/ ACCUSED UNKNOWN RANK

Vs

THE INSPECTOR OF POLICE
D-1 LALGUDI TOWN POLICE STATION,
THIRUCHIRAPALLI DISTRICT.
CRIME NO.UNKNOWN OF 2024.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.MUTHUVIJAYA RANI, Advocate

For Respondent : MR.P.KOTTAI CHAMY, Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.UNKNOWN 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 Section 420 of IPC in Crime No.Not Known of 2024, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a brother-in-law of the 6th



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accused in an unknown crime number pending before the respondent Police Station.

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In that case, the petitioner's brother-in-law allegedly lended money by accepting a car, which was later found to have a counterfeit RC book. The Police suspecting that the petitioner known about his brother-in-law's whereabouts, they have attempted to arrest him. Hence, the present petition.

3. The learned counsel appearing for the petitioner would submit that that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. The petitioner lost the contact of his brother-in-law for a longer period. Further, on instruction, he would submit that the petitioner is ready to deposit a sum of Rs.2,25,000/- to the credit of Crime No.700 of 2021 before the concerned trial Court, without prejudice his rights. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, liberty may be given to the petitioner for refund of the said amount. Hence, he prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner.



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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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Lalgudi, Trichy, 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 two weeks from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b)the petitioner shall deposit a sum of Rs.2,25,000/- (Rupees Two Lakhs and Twenty Five Thousand only) to the credit of the Crime No.700 of 2021 before the concerned trial Court, without prejudice to his defence before the trial Court, within a period of two weeks from the date of receipt of copy of this order. The trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, the petitioner is entitled for refund of the said amount;

(c)the sureties shall affix their photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(d)the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks, 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 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/-
21/03/2024

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/05/2024

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

INDU



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TO

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1 THE JUDICIAL MAGISTRATE, LALGUDI, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE, D-1, LALGUDI TOWN POLICE STATION,
THIRUCHIRAPALLI DISTRICT.

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

ORDER

IN

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Date :21/03/2024

RS/JGB/SAR-(06.05.2024) 5P 5C

Madurai Bench of Madras High Court is issuing
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