



CRL OP(MD) No.4184 of 2024

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

Monday, the Eighteenth day of March Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4184 of 2024

YOUSUF @ YOUSUF MOHAMED MOHIDEEN ... PETITIONER/ACCUSED NO.1

Vs

THE SUB INSPECTOR OF POLICE
KOTTAR POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT.
CRIME NO. 916 OF 2020

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.ANTO PRINCE, Advocate

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

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.916 OF 2020 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 alleged offence under Sections 406, 417, 418, 420 and 506(i) of IPC r/w 149 IPC in Crime No.916 of 2020, on the file of the respondent police, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner borrowed a sum of Rs.20,00,000/- from the de-facto complainant, for which, he executed a sale deed in favour of the defacto complainant for two cents. Subsequently, when the defacto complainant measured the property, only 1 cent 350sq. links were available. Hence, the case.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and it is a civil dispute and a false case has been foisted against him. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. side) submitted that the investigation is pending and hence, he strongly opposed to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also considering the fact that it appears to be a civil dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Nagercoil, Kanyakumari District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand



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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 stand automatically cancelled;

(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 report before the respondent police as and when required for interrogation;

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

(e)the petitioner 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 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;



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

sd/-
18/03/2024

/ TRUE COPY /

/03/2024

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

SJI

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, NAGERCOIL, KANYAKUMARI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE SUB INSPECTOR OF POLICE, THE SUB INSPECTOR OF POLICE,
KOTTAR POLICE STATION, NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.G.ANTO PRINCE, Advocate (SR-3312[I] dated 18/03/2024)

ORDER IN
CRL OP(MD) No.4184 of 2024
Date :18/03/2024

RS/GS/SAR-(22.03.2024) 4P 6C
Madurai Bench of Madras High Court is issuing
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