



CRL OP(MD).No.6670 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/05/2024

PRESENT

The Hon`ble Mrs.Justice S.SRIMATHY

CRL OP(MD).No.6670 of 2024

Mohamad Shek Abdulkathar @ Mohaideen Sheik ... Petitioner/Sole Accused

Vs.

State rep. by
The Inspector of Police,
Seidunganallur Police Station,
Thoothukudi.
(Crime No.63 of 2024)

... Respondent/Complainant

For Petitioner : Mr.A.SHEIK NASURDEEN, Advocate

For Respondent : Mr.M.MUTHUMANIKKAM
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.63 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Sole Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 353, 506(i) of IPC and

Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002. 7(a) of

<https://www.mhc.tn.gov.in/judis>



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Prevention of Corruption (Amendment) Act 2018, in Crime No.63 of 2024, on the file
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of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that when the defacto complainant and her subordinates were doing their official duty i.e. vehicle check-up at Checkpost on 07.04.2024 around 03.45 p.m. on account of Lokshaba Election, the petitioner who is running a Rainbow Juice Shop was restrained them from doing their duty and objecting the vehicle checkup in front of his shop and further alleged that due to which, the petitioner threatened her that they would not conduct any vehicle checkup in front of his shop if it continues, he would file a private complaint as against her. Hence, the case has been registered.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that the injured sustained only simple injury and hence, he prayed for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that there are seven previous cases pending as against the petitioner. Hence, he strongly 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 with certain conditions.



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6. 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 of receipt of a copy of this order, before the learned chief Judicial Magistrate No.II, Srivaigundam, 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 learned Magistrate concerned and on further conditions 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 Aadhaar 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 the 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 is 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 FIR can be registered under Section

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229-A IPC.

sd/-
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/05/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSD
TO

1 THE JUDICIAL MAGISTRATE NO.II,
SRIVAIGUNDAM.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE,
SEIDUNGANALLUR POLICE STATION,
THOOTHUKUDI.

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

+1 CC to M/s.A.SHEIK NASURDEEN, Advocate (SR-5799[I] dated 24/05/2024)



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ORDER
IN
CRL OP(MD) No.6670 of 2024
Date :22/05/2024

SA/SA/SAR. /27.05.2024/5P/6C

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