



CRL OP(MD)No.8088 of 2024

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

Date : 30.05.2024

PRESENT

The Hon`ble Mrs.Justice L.VICTORIA GOWRI

CRL OP(MD)No.8088 of 2024

1.Mustak Ahamed

2.Mohamed Hisam

... Petitioners/ Accused Rank not known

Vs

State Rep. by
The Sub-Inspector of Police,
South Gate Police Station,
Madurai City
Cr.No.5/2024)

... Respondent/ Complainant

For Petitioners : Mr.R.Rajeshkumar
Advocate.

For Respondent : Mrs.M.Aasha,
Government Advocate (Crl. Side).

PETITION FOR ANTICIPATORY BAIL Under Section 438 of 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 petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 393 and 397 IPC, in Crime No.5 of 2024, on the file of the respondent police, seek anticipatory bail.



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2. The case of the prosecution is that the petitioners and the other accused said to have waylaid the defacto complainant and his friend and tried to snatch the gold from them. Since the defacto complainant and his friends have not given the gold, the accused persons assaulted the defacto complainant and his friend, due to which, they sustained injuries. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He further submitted that the co-accused has already been granted anticipatory bail by this Court in Crl.OP(MD)No.3480 of 2024, dated 05.03.2024. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the accused persons waylaid the defacto complainant and his friend and robbed 2 kgs of silver from them.

5. Taking into consideration the facts and circumstances of the case and also the fact that the co-accused has already been granted anticipatory bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate IV, Madurai, on



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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 the learned Magistrate concerned and on further conditions that:

[a]the petitioners 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 petitioners shall report before the respondent police daily at 11.00 a.m., for a period of four weeks and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court



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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 229-A IPC.

sd/-
30/05/2024

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/06/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

VSM
TO

1 THE JUDICIAL MAGISTRATE NO.IV,
MADURAI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, MADURAI DISTRICT.

3 THE SUB-INSPECTOR OF POLICE,
SOUTH GATE POLICE STATION,
MADURAI CITY

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

+1 CC to M/s.R.RAJESHKUMAR, Advocate (SR-6023[I] dated 31/05/2024)

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



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ORDER

IN

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Date :30/05/2024

SA/JGB/SAR. /03.06.2024/5P/6C

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