



CRL OP(MD). No.10565 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/08/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

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1. Syed Rishwan @ Syed Riswan Ali,

2. Jahir Husain @ Jahir Hussain,

3. Syed Ibrahim @ Syeediburakim,

4. Beer Mohamed,

... Petitioners/ Accused Nos.2to5

Vs

The Inspector of Police,
District Crime Branch,
Ramanathapuram District,
Cr.No.12/2024.

... Respondent/Complainant

For Petitioners : Mr.M.Ajmal Khan, Senior Advocate for
M/s.Ajmal Associates,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

For Intervener : Mr.Raja Karthikeyan,
Advocate.

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS



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PRAYER :-

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For Anticipatory Bail in Crime No. 12/2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/ A2 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406, 465, 471, 420, 448 and 506(i) of IPC, in Crime No.12 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is working as a Consulting Team Leader for the Foreign Companies. The petitioner and other four are working under him as employees. During the course of auditing, it was found that A1 colluded with other accused swindled a sum of Rs.4,68,32,975/-. On enquiry, he admitted his guilt and repaid a part amount of Rs.2,46,54,700/- through bank transaction and also assured to repay the remaining amount of Rs.2,21,78,275/-. However, when repeated demands were made by the defacto complainant in respect of balance amount, all the petitioners along with other accused are said to have trespassed into the house of the defacto complainant and made a serious life threat. Hence, the complaint.

3.Heard both sides.

4.Considering the nature of the allegations in this case and also considering the argument of the learned counsel for the petitioner that the defacto complainant's



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business is unclear and that all the allegations are against the first accused, who is alleged to have absconded and the petitioners are only being roped in because of being his family members, this Court is inclined to grant the petitioners anticipatory bail with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of their arrest or their 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, Ramanathapuram, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) common surety 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am for a period of four weeks and thereafter, as and when required for interrogation;

(c) the petitioners shall not tamper with 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



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Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;

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

6. It is represented that the **(*)Fourth petitioner / A5** is in bed ridden with continuous oxygen support. Hence, the Investigating Officer is directed to go and examine him, where he is taking treatment.

sd/-
20/08/2024

**(*)CORRECTED AS PER THE ORDER OF
THIS HON'BLE COURT in CRL OP(MD)
No.10565 of 2024 dated 02/09/2024.
/ TRUE COPY /**

04/09/2024
Sub-Assistant Registrar ()
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS

TO
TO BE SUBSTITUTED WITH THE ORDER DATED 20/08/2024
1 THE JUDICIAL MAGISTRATE NO.II RAMANATHAPURAM.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.



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3 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-10167[I] dated
21/08/2024)

+1 CC to M/s.M/S.AJMAL ASSOCIATES, Advocate (SR-10785[I] dated
03/09/2024)

ORDER
IN

CRL OP(MD) No.10565 of 2024
Date :20/08/2024

SS/SAR- /04/09/2024/5P/7C

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