



CRL OP(MD) No.22292 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Thursday, the Fourth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.22292 of 2023

NAGAMANI

... PETITIONER / ACCUSED No.2

Vs

1 THE INSPECTOR OF POLICE

JAIL ROAD POLICE STATION, SOLAPUR CITY,
MAHARASTRA STATE.
CRIME NO.0410 OF 2023.

2 THE INSPECTOR OF POLICE

ALANGULAM POLICE STATION,
TENKASI DISTRICT.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.V.AJITHA LAKSHMI, Advocate

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

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

PRAYER:

TO ENLARGE THE INTERSTATE ANTICIPATORY BAIL IN THE EVENT OF
THEIR ARREST OR SURRENDER WHILE HE IS TRAVEL TO MAHARASTRAIN
CR.NO.0410/2023 ON THE FILE OF THE 1ST RESPONDENT POLICE STATION.

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



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ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondents police pursuant to the summon issued by the 1st respondent for alleged offences punishable under Sections 406 and 420 Crime No.0410 of 2023, seeks anticipatory bail.

2. The 1st respondent police has issued summons to the petitioner for appearance of him on 14.11.2023 in connection with the complaint given by the de-facto complainant.

3. The learned counsel for the petitioner would submit that false complaint has been given against the petitioner and he has nothing to do with the said allegations. He further submitted that Interstate Anticipatory bail may be granted to the petitioner so as to enable him to move the appropriate jurisdictional court in the State of Maharashtra for necessary relief.

4. Heard the learned Government Advocate(Crl.Side) appearing for the State.



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5. The issue as to whether, in respect of the persons, who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if his arrest is sought within the jurisdiction of this Court, irrespective of the fact that he is a resident of the place over which this Court can grant anticipatory bail under Section 438 Cr.P.C, came up for consideration before the Division Bench of this Court in the case of S.P.Shanthi Swaroop v. State of Tamil Nadu , rep. By Asst. Commissioner of Police, Central Crime Branch, Madras reported in 1992 L.W.(CrI). 475. After elaborate discussions, decisions and considering the ratio laid down by the Patna High Court in Syed Safrul Hassan v. State has passed the following order:-

“For the foregoing reasons, we hold that the High Court or the Court of Session has got power under Section 438 Cr.P.C. To grant anticipatory bail irrespective of the locale of the Commission of the offence. In other words, in respect of persons who have been accused of a non-bailable offence committed beyond the territorial jurisdiction of the State of Tamil Nadu, if their arrest is sought within the jurisdiction of this Court, irrespective of the fact that they are residents of the place over which this Court can grant anticipatory bail. However, we wish to observe that while granting anticipatory bail, this Court has to restrict the relief for a limited



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period and to direct the concerned persons to move the Court which is having jurisdiction over the matter in the meantime and also impose such condition so as to make the petitioners available for interrogation by the concerned police in the meantime. The reference is answered accordingly.”

7. Thereafter, a learned Single Judge of this Court in the case of P.Thangavelu and others v. State, rep. By the Inspector of Police and other reported in 2017 (2) MWN (Cr.) 633 has passed the following orders,

“9.Thus , it is seen that though in the State of Uttar Pradesh, the provisions of Section 438, Cr.P.C., enabling grant of Anticipatory bail has been deleted, still the Courts have power to grant Inter-State Anticipatory Bail, more particularly taking into account the provisions under Article 21 of the Constitution of India. In the light of the above Judgments and discussions, this Court is of the view that Inter-State Anticipatory Bail can be granted to the petitioners for a limited period to enable them seek appropriate Bail Orders from the concerned Court.



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10. Accordingly, Interim Anticipatory Bail is granted to the Petitioners herein till 01.08.2016. The Petitioners are directed to be enlarged on Bail in the event of their arrest or on their appearance before the Judicial Magistrate concerned, subject to the following conditions:

(i) Each of the Petitioner shall execute a Personal Bond for a sum of Rs.10,000- (Rupees ten thousand only) with two sureties, to the satisfaction of the Respondent-Police or the Police Officer, who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) within the said period, ie., before 01.08.2016, the petitioners shall appear before the concerned Court of Jurisdiction and move for Anticipatory Bail before the said Court.

11. This Court makes it very clear that Interim Anticipatory Bail pertaining to Inter-State disputes cannot be sought as a matter of right and it is purely the discretion of the Court in granting the same, considering the facts, circumstances and also the nature of offences. It is also made clear that this order, on being produced, shall be punctually observed and executed by all concerned."



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8. In view of the decisions cited supra, I am inclined to grant interim anticipatory bail to the petitioner till 18.01.2024. Accordingly, interim anticipatory bail is granted to the petitioner till 18.01.2024. The petitioner is directed to be enlarged on bail in the event of arrest or on his appearance before the first respondent police and on further condition that:

(i) the Petitioner shall execute a Personal Bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties, to the satisfaction of the Respondent-Police or the Police Officer, who intends to arrest or to the satisfaction of the Magistrate concerned;

(ii) within the said period, i.e., before 18.01.2024, the petitioner shall appear before the concerned Court of Jurisdiction and file an appropriate application for regular bail before the said Court.

sd/-
04/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RR



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TO
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- 1 THE INSPECTOR OF POLICE
SOLAPUR CITY, MAHARASTRA STATE.
- 2 THE INSPECTOR OF POLICE
ALANGULAM POLICE STATION,
TENKASI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.ARAVINDRAJ, Advocate (SR-317[I] dated 08/01/2024)

ORDER
IN
CRL OP(MD) No.22292 of 2023
Date :04/01/2024

PKP/DD/SAR- /10.01.2024/ 7P/ 5C

Madurai Bench of Madras High Court is issuing certified
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