



CRL OP(MD) No.22559 of 2023

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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**SAHUL HAMEED BATHUSHA @ MR.SHAHUL HAMEED,
... PETITIONER / ACCUSED No.1**

Vs

**THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI DISTRICT.
CRIME NO.730/2023. ... RESPONDENT / COMPLAINANT**

For Petitioner : MR.G.ANTO PRINCE, Advocate

For Respondent : MR.SS.MADHAVAN, Govt. Advocate (CrI. Side)

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

Prayer:

**FOR ANTICIPATORY BAIL IN CRIME NO.730/2023 ON THE FILE OF THE
RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

**The petitioner, who apprehends arrest at the hands of the respondent police for
the alleged offence under Sections 294(b), 354 D, 506(i) of IPC and section 4 of**



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TNPHW Act, in Crime No.730 of 2023, seeks anticipatory bail.

2.The case of the prosecution is that the husband of the defacto complainant borrowed money from his friends namely, the accused persons and thereafter, he went to abroad. But, he failed to repay the same. Due to which, the accused persons followed the defacto complainant wherever she go. When the same was questioned by her, the accused persons stated that till her husband pay the borrowed amount, they would continue to follow her and tarnish her image. Thereafter, they disturbed the defacto complainant through whatsapp. When the same was questioned by her, they abused her in filthy language and criminally intimidated her and also damaged the glass of the window. Hence, a complaint has been registered against the accused persons before the Law Enforcing Authority and the Law Enforcing Authority, registered a case against the petitioner and another.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that due to civil dispute between the petitioner and the defacto complainant, false case has been foisted against the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that the husband of the defacto complainant is in abroad. The defacto

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



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complainant is living along with her 3 children and her mother-in-law aged about 80 years old. The petitioner along with the other accused, abused the defacto complainant in filthy language and also criminally intimidated her. 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 there is civil dispute between the petitioner and the husband of the defacot complainant, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he 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 Judicial Magistrate No.5, Tirunelveli District, 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 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 his photographs and left thumb impression in the



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surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure his identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

(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;

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

sd/-
03/01/2024

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



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TO

- 1 THE JUDICIAL MAGISTRATE NO.V
TIRUNELVELI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
MELAPALAYAM POLICE STATION,
TIRUNELVELI CITY DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN

CRL OP(MD) No.22559 of 2023

Date :03/01/2024

PKP/DD/SAR- /05.01.2024/ 5P/5C

Madurai Bench of Madras High Court is issuing certified
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