



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

Monday, the Twenty Third day of February Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.23606 of 2014

1 MOHAMED ABBAS
2 M.F.REGINA BEGUM
3 K.MOHAMED ANSARI

... PETITIONERS / ACCUSED

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NAGERCOIL,
CR. NO. NOT KNOWN OF 2014. ... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.SURESHKUMAR Advocate

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

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

ORDER : The Court Made the following order :-

This petition has been filed showing crime number as not known. Therefore, on 06.02.2014, this Court has granted interim anticipatory bail to the petitioners with a direction to them to appear before the respondent police and hand over all the articles of the defacto complainant.

2. Heard the learned counsel on either side.

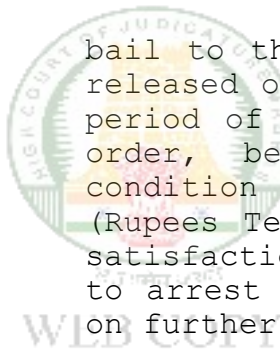
3. Today, the learned Government Advocate (crl. side) would submit that a case in Crime No.05 of 2015 has been filed.

4. Today, the respondent police is present before this Court and filed a status report, in which, in paragraph No.5, they have stated as follows:-

"It is humbly submitted that, on 15.02.2015 both the defacto complainant and the first respondent appeared before the respondent police for enquiry, and on the same date, the first petitioner has given the jewels of the defacto complainant to her and the same was received by the defacto complainant. The Mahar Jewel - the Thali is within the first petitioner. The household articles are within the first petitioner only. The defacto complainant refused to receive the household articles stating that she wants to live together with the first petitioner."

5. The learned counsel for the defacto complainant also submits that the defacto complainant wants to live with the first petitioner.

<https://hcservices.courts.gov.in/hcservices> circumstances, if the petitioners are arrested, it will only create further problems between the parties and the possibilities of re-union will become bleak. Hence, I am inclined to grant anticipatory



bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.2, Nagercoil on condition that the petitioners 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] the petitioners shall report before the respondent police as and when required for interrogation;

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial;

[c] the petitioners shall not abscond either during investigation or trial;

[d] 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 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].

[e] Notwithstanding the grant of anticipatory bail, the petitioners shall participate in the mediation proceedings that is pending before the Mediation Centre.

sd/-

23/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1.THE JUDICIAL MAGISTRATE NO.2,NAGERCOIL.

2.DO THRO THE CHIEF JUDICIAL MAGISTRATE, KANYAKUMARI AT NAGERCOIL.

3.THE ADDL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NAGERCOIL.

+1. CC to M/S.S.SURESHKUMAR Advocate SR.No.8155

ORDER

IN

CRL OP(MD) No.23606 of 2014

Date :23/02/2015

RG.25.02.2015 2P.6C.