



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

Tuesday, the Nineteenth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.4083 of 2019

1 RASOOL KAREEM @ RASOOL KARIM  
2 AKBAR ALI  
3 NASHURTHEEN @ NASUREDEEN  
4 SAMSUDEEN  
5 NISHTHAR @ PEER MOHAMED RAUF NISTHAR

... PETITIONERS / ACCUSED RANK 1 TO 5

Vs

STATE REP. BY  
THE INSPECTOR OF POLICE,  
SOUTH THAMARAikulam POLICE STATION,  
SOUTH THAMARAikulam,  
KANYAKUMARI DISTRICT.  
(CRIME NO.30/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SHEMA DANIEL Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,  
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 147,148,294 (b), 352,435 and 506(ii) of IPC in Cr.No.30 of 2019, on the file of the respondent police, seek anticipatory bail.

2. The petitioners 1 to 4 are the brothers of the defacto complainant. The case of the prosecution is that due to previous enmity the petitioners are set to have fired the defacto complainant's car. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioners have not committed any offence as alleged by the prosecution. However , the learned counsel on instruction further submit that they are ready to deposit Rs.75,000/- to the credit in crime number and thereafter the said amount may be disbursed in favour of the complainant without prejudice to their rights and contentions.



4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that the car worth Rs.2,00,000/- was damaged by the petitioners.

4. Considering the facts and circumstances of the case and also considering the fact that the petitioners have come forward to deposit a sum of Rs.75,000/- to the defacto complainant to repair his car, this Court is 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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District on 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 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 is directed to deposit Rs.75,000/- (Rupees Seventy Five thousand only) to the credit in Crime No.30 of 2019 before the learned Judicial Magistrate No.III, Nagercoil, Kanyakumari District and on such deposit the learned Magistrate shall disburse the same to the defacto complainant for repairing his car.

(b) 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;

(c) the petitioners shall report before the respondent police daily at 10.30 until further orders;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 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 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;

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

sd/-

19/03/2019

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.III,  
NAGERCOIL, KANYAKUMARI DISTRICT.

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

3 THE INSPECTOR OF POLICE,  
SOUTH THAMARAIKULAM POLICE STATION,  
SOUTH THAMARAIKULAM, KANYAKUMARI DISTRICT.

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

+1. CC to M/S.M.SHEMA DANIEL Advocate SR.No. 5100

ORDER

IN

CRL OP(MD) No.4083 of 2019

Date :19/03/2019

JM/JC/SAR 2/21.03.2019/3P/6C