



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/10/2020

PRESENT

The Hon'ble Mr. Justice V. BHARATHIDASAN

CRL OP (MD) . No.10708 of 2020

1. Mohamed Navab
2. Kaleel Rahuman
3. Mohamed Riyaz

... Petitioners/Accused
Rank not known

Vs

The State Rep. by
The Inspector of Police,
Eathamozhy Police Station,
Kanyakumari District.
(In Crime No.255/2020).

... Respondent/Complainant

For Petitioners : Mr.K.Navaneetharaja,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.255 of 2020 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused No.Rank Not Known,
apprehending arrest at the hands of the respondent police for the
offences punishable under Sections 147,148,294(b),307, 506(ii) and
109 of IPC, in Crime No.255 of 2020 on the file of the respondent
Police, seek anticipatory bail.

2. Heard both sides.

3. There are totally seven accused in this case. The case of
the prosecution is that A1, brother -in -law of the defacto
complainant in this case is having matrimonial dispute with his
wife, the injured defacto complainant said to have conducted



mediation between them and A1 said to have grievance over that. Due to the same on the date of occurrence A1 along with other accused persons waylaid the defacto complainant and attacked him with knife and caused injuries.

4. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. He would also submit that the injured was also discharged from the hospital and A3 in this case was released on bail by this Court.

5. The learned Government Advocate(Crl.Side) would submit that there was a previous enmity between A1 and the defacto complainant and in order to take revenge he engaged other accused including the petitioners herein and waylaid the defacto complainant and also attacked him with deadly weapons and caused injuries. He would also submit that the injured was also discharged from the hospital and A3 in this case was released on bail by this Court.

6. Taking into consideration the facts and circumstances of the case and also taking note of the fact that injured was already discharged from the hospital and co-accused in this case was released on bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.III, Nagercoil, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

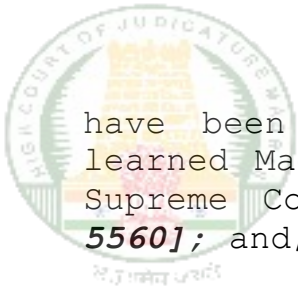
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(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 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/10/2020

/ TRUE COPY /

/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.III,
NAGERCOIL, KANYAKUMARI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE INSPECTOR OF POLICE,
EATHAMOZHY POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10708 of 2020
Date :01/10/2020

VSG
TE/SMA/SAR-I : 06/10/2020 : 3P/5C