



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/06/2021

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PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.4859 of 2021

Mohamed Asim @ Mohamed Azeem Faizal Rahuman

... Petitioners/Accused A-1

Vs

State represented by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District, Kanyakumari.
Cr.No.288 of 2019.

... Respondent/Complainant

For Petitioner : M/s.Mohammed Aasif,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

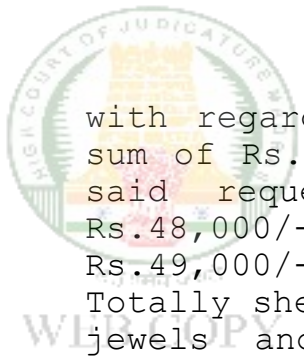
PRAYER :-

For Anticipatory Bail in Crime no.288 of 2019 on the file of the respondent police

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 294(b), 420 and 506(i) I.P.C., in Crime No.288 of 2019 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A.1 is known to the defacto complainant as family friend. The second accused is the mother of the first accused and the third accused is the husband of the fourth accused. It is alleged that the second accused got 19 sovereigns of gold jewels from the defacto complainant at the time of marriage of the fourth accused. Even after marriage, the second accused continued to have contact with the defacto complainant that there was some dispute



with regard to giving dowry and therefore, she further demanded a sum of Rs.1,00,00/- from the defacto complainant. Considering the said request, the defacto complainant transferred a sum of Rs.48,000/- to the account of the first accused and a sum of Rs.49,000/- to the account of the third accused on 04.02.2017. Totally she transferred a sum of Rs.97,000/-. When she demanded her jewels and money back, the accused said to have criminally intimidated her and abused her. Therefore, the present case came to be registered.

3. The learned Counsel for the petitioner/A.1 submitted that the petitioner is innocent and this case has been falsely registered against him.

4. The learned Government Advocate (Crl.Side) appearing for the State submitted that after investigation, the offence under Section 420 I.P.C., is dropped from this case and now this case has been altered for the offences under Sections 294(b) and 506(i) I.P.C., and he also produced a copy of the alteration report.

5. It is seen from the alteration report that the defacto complainant has not produced any material to show that she parted with 19 sovereigns of gold jewels and Rs.97,000/- cash. Therefore, the offence under Section 420 I.P.C., was dropped. It is further submitted that the investigation in this case is over and a final report has also been filed. Taking note of this said development, now what remains in this case is the offences under Sections 294(b) and 506(i) I.P.C., Therefore, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Eraniel at Kanyakumari District, within a period of fifteen days from the date of receipt of a copy of this order, on his executing 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 said Magistrate and on further condition that:

[a] the petitioner 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 petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;

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[e] 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]**;

[f] If the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
17/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SSL

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,
ERANIEL, KANYAKUMARI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 3 THE INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
KANYAKUMARI DISTRICT,
KANYAKUMARI.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.4859 of 2021
Date :17/06/2021

KM:RSK:SAR4(22.06.2021) 3P 5C

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