



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/10/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.15424 of 2021

1. Nagoor @ Sahul Hameed
2. Sakil
3. Masthan
4. Rasith @ Kamal Hussian @ Rasik
5. Mohaideen Raja
6. Abubacker
7. Syed Rafeek
8. Arsath
9. Kamal Afzal @ Abdul
10. Mohamed Jarith @ Javith
11. Ashif Rahuman @ Asif
12. Mohammed Agshin @ Akkashin
13. Sheik Fareeth

... Petitioners/Accused
No.1 to 6 and 8 to 15

Vs

The Station House Officer,
Kanyakumari Police Station,
Kanyakumari District
(Crime No. 337 of 2021).

... Respondent/Complainant

For Petitioner : M/s.Arun Swaminathan.RM,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

For Intervenor : Mr.N.Mohaideen Basha
Intervenor

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

PRAYER :-

For Anticipatory Bail in Crime No. 337 of 2021 on the file of
the respondent Police.



ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 448, 427, 294(b), 323, 324, 506(2) IPC, in Crime No.337 of 2021, seek anticipatory bail.

2. The case of the prosecution is that on 24.03.2021, while burying a dead body in Kanyakumari Muslim Jamath, a dispute arose between the petitioners and the defacto complainant, due to which, the petitioners attacked the defacto complainant with sticks and steel weapons. Therefore, the present case came to be registered.

3. The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. He further submitted that it is a case of case in counter.

4. The learned Government Advocate (Crl. side) appearing for the respondent police submitted that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations against the petitioners and also the fact that it is a case in counter, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or 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.1, Nagercoil, Kanyakumari District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with common sureties for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

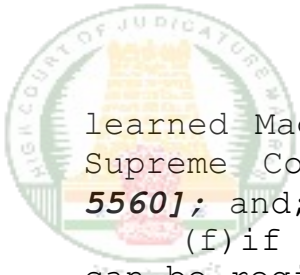
(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with the 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/ petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
08/10/2021

/ TRUE COPY /

/ /2021

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

ssb

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.1, NAGERCOIL,
KANYAKUMARI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
3. THE STATION HOUSE OFFICER,
KANYAKUMARI POLICE STATION,
KANYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP (MD) No.15424 of 2021
Date : 08/10/2021

VB/VR/SAR-I/20.10.2021/3P/5C