



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

Date : 28/10/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.16630 of 2021

WEB COPY

1. Rabani @ Rafeek @ Fathugur Raffani

2. Abu @ Mohammed Abdul Azeez

3. Kaleel @ Kaleel Rahman

4. Lailammal @ Nainammal ...Petitioners/Accused No.1 to 4

Vs

The State Rep.by,
The Inspector of Police,
Vadaseri Police Station,
Kanniyakumari District.
Cr.No. 530 of 2021

... Respondent/Complainant

For Petitioner : M/s.Fazil Kirmani B,
Advocate.

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

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

PRAYER :-

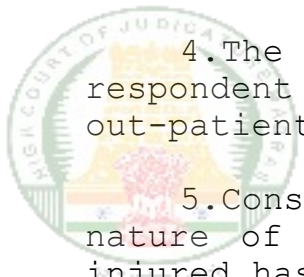
For Anticipatory Bail in Crime No.530 of 2021 on the file of the
Respondent Police.

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, 294(b), 323 and 506(i) of IPC, in Crime No.530 of 2021,
seek anticipatory bail.

2. The case of the prosecution is that due to money dispute,
the petitioner abused the defacto complainant in filthy language and
attacked him.. 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 Additional Public Prosecutor appearing for the respondent police submitted that the injured has been treated as out-patient.

5.Considering the facts and circumstances of the case, the nature of allegations against the petitioners, the fact that the injured has been treated as out-patient and 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.2, Nagercoil, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each 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;

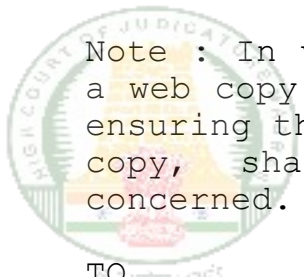
(e)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid 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.

sd/-
28/10/2021

/ TRUE COPY /

/ /2021
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.2,
NAGERKOIL.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
NAGERKOIL.
3. THE INSPECTOR OF POLICE,
VADASERI POLICE STATION,
KANNIYAKUMARI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.16630 of 2021
Date : 28/10/2021

RD/JM/SAR-II(09/11/2021) 3P 5C