



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 12.11.2021

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**
CRL OP(MD) . Nos.17284 and 17538 of 2021

WEB COPY

1.Hasan Kuthoos @ Rasool Kuthoos
2.Baslur Rahman

... Petitioner/A1 and A2
in Crl.O.P. (MD)No.17284 of 2021

2.M.Baslur Rahman

... Petitioner/A2 in
Crl.O.P. (MD)No.17538 of 2021

Vs

State Rep.by
The Inspector of Police,
Kadayam Police Station,
Tenkasi District.

(Crime No.404 of 2021) ... Respondent/Complainant in both petitions

For Petitioners (in Crl.O.P. (MD)No.17284 of 2021)
: Mr.J.David Ganesan
Advocate.

For Petitioner (in Crl.O.P. (MD)No.17538 of 2021)
: Mr.R.Anand
Advocate.

For Respondent(in both petitions)
: Mr.RMS.Sethuraman
Additional Public Prosecutor

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

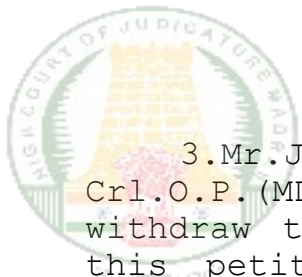
COMMON PRAYER :-

For Anticipatory Bail in Crime No.404 of 2021 on the file of the Respondent police.

COMMON ORDER : The Court made the following order :-

The petitioners/A1 and A2 who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 465, 468 and 471 IPC in Crime No.404 of 2021 on the file of the respondent police, respectively, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner created a forged letter pad of the de-facto complainant's Pallivasal, namely, Mohammed Nainar Jummaa Pallivasal with the help of the second petitioner/A2 and prepared a No Objection Certificate and also consummated second marriage with one Anisha Begam. Hence, the complaint.



3.Mr.J.David Ganesan, learned counsel for the petitioner, in Crl.O.P.(MD)No.17284 of 2021, seeks permission of this Court to withdraw this petition as against the second petitioner. Hence, this petition is dismissed as withdrawn as against the second petitioner herein. He would further submit that due to political rivalry in the said Pallivasal, a false case has been foisted against the first petitioner.

4.Mr.R.Anand, learned counsel for the petitioner in Crl.O.P.(MD)No.17538 of 2021, would submit that the petitioner is the President of another Jamath, namely, Al Ameen Jumma Masjid, which is situated nearby the de-facto complainant Jamath. The petitioner was doing social service for the benefit of corona patient, in which, his name and reputation in the village has become grown up. Due to which, there are some difference of opinion between the office bearers of the petitioner's Jamath and the de-facto complainant Jamath and in order to step down from his status, the de-facto complainant lodged a false complaint against this petitioner.

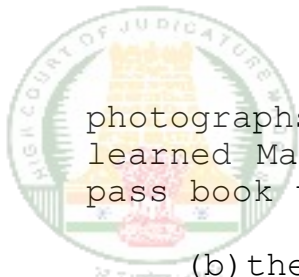
5.The learned Additional Public Prosecutor appearing for the respondent police would submit that no such No Objection Certificate is necessary to enter into the marriage and that the investigation is pending.

5.Considering the rival contentions made on behalf of both the parties, it appears that there are some disputes between Mohammed Nainar Jummaa Pallivasal, Mudaliyarpatti and Al Ameen Jumma Masjid. It is evident that the first accused belongs to the Mohammed Nainar Jummaa Pallivasal and the second accused is the President of Al Ameen Jumma Masjid and that the first accused has produced No Objection Certificate allegedly issued by the Mohammed Nainar Jummaa Pallivasal to enter into the marriage with a girl belonging to the Balamarthandam Jamath.

6.Considering the nature of charges levelled against the petitioners and also the facts that the second accused has presided over the marriage of the girl belonged to Balamarthandapuram Jamath and that no NOC is necessary for entering into such marriages, 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 fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambasamudram, 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:

<https://hcservices.ecourts.gov.in/hcservices/> 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 daily at 10.30 a.m. for a period of one month and thereafter, 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/-
12/11/2021

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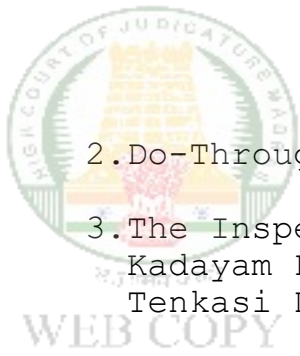
/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SJI

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, Ambasamudram.



2.Do-Through The Chief Judicial Magistrate, Tirunelveli.

3.The Inspector of Police,
Kadayam Police Station,
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to Mr.J.David Ganesan, Advocate (SR-8025)

ORDER

IN

CRL OP(MD) No.17284 of 2021

Date :12/11/2021

RS/CN/SAR1 (18.11.2021) 4P 6C