



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Seventh day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION Nos.9581 & 9631 of 2022

1 ABDUL RAHMAN [PETITIONERS / ACCUSED
2 RAJATHI @ AYSHA NACHIYAL IN BOTH PETITIONS]

Vs

STATE REP BY [RESPONDENT
STATION HOUSE OFFICER, IN BOTH PETITIONS]
TOWN POLICE STATION,
KARAIKAL,
CRIME NOS.69 & 70 OF 2022.

For Petitioner : M/S.R.SREEDHAR Advocate
[IN BOTH PETITIONS]

For Respondent : MR.V.BALAMURUGANE, Public Prosecutor for Puducherry
[IN BOTH PETITIONS]

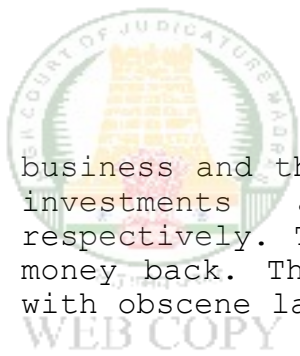
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

In CrI.O.P.No.9581 of 2022: The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 420 r/w 34 of IPC in Crime No.69 of 2022, seek anticipatory bail.

In CrI.O.P.No.9631 of 2022: The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Section 420 r/w 34 of IPC in Crime No.70 of 2022, seek anticipatory bail.

2.The reading of the First Information Report registered in Crime No.69 of 2022, based on the complaint given by one Kamarunisha and the complaint of Jennathul Farleen, whose complaint was registered as Crime No.70 of 2022 indicates that the first accused Abdul Mohideen Kadhar and the petitioners are doing real estate



business and the first accused promised to pay high returns for their investments and received Rs.55,00,000/- and Rs.15,00,000/- respectively. They failed to return the money when they demanded the money back. These petitioners called them by phone and abused them with obscene language.

3.The learned counsel appearing for the petitioners in both the cases would submit that they are no way connected with the alleged offence and the petitioners are not committed any offence as alleged in the complaint. Just because, they are the wife and brother-in-law of the first accused Mohideen Abdul Kadhar. Their names have been falsely implicated in this case.

4.Considering the nature of the complaint and the allegations against these petitioners, this Court is of the view that custodial interrogation is not required.

5.Accordingly, the petitioners in both the petitions in Crl.O.P.Nos.9581 and 9631 of 2022 are ordered to be released on anticipatory bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Karaikal, on condition that each of 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 learned Magistrate concerned, failing which the anticipatory bail shall stand cancelled and on further condition that:

(a)if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

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

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

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

(g) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
27/04/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KARAIKAL

2 THE CHIEF JUDICIAL MAGISTRATE
PUDUCHERRY [FOR INFORMATION]

3 THE STATION HOUSE OFFICER,
TOWN POLICE STATION,
KARAIKAL,

4 THE PUBLIC PROSECUTOR
PUDUCHERRY

+2 CC to M/S.R.SREEDHAR Advocate on payment of necessary charges
SR.NOS.6463 & 6464

CRL Ops.9581 & 9631/2022

Date :27/04/2022

JPA 02/05/2022