



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 11/05/2022
PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) . No.8949 of 2022

1. Syed Rafeek
2. Abul Kalam Azad
3. Nagoor @ Sahul Hameeth
4. Anwar
5. Masthan
6. Asraf Ali
7. Sirajudeen
8. Riswan
9. Aghsin
10. Sintha Madhar
11. Ali Akbar
12. Mohammed Iqbal
13. Sheik Mohammed
14. Sheik Farith
15. Nasrutheen
16. Sathiq
17. Bava
18. Fayas
19. Yusoof
20. Jafar
21. Mohammed Haneefa



22. Peer Mohammed

23. Sheik Mahin

... Petitioners/Accused Nos.1-12,
15-21, 23-26

Vs

The State rep.by
The Station House Officer,
Kanniyakumari Police Station,
Kanniyakumari District.
Crime No. 148/2022.

... Respondent/Complainant

For Petitioner : M/s.RAMANATHAN.R,
Advocate.

For Respondent : Mr.K.SANJAY GANDHI,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 148 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order:-

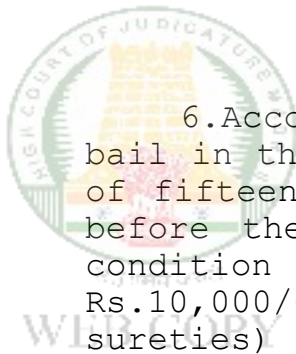
The petitioners/A1 to A12, A15 to A21 and A23 to A26, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 147, 148, 294(b), 324 and 506(2) IPC in Cr.No.148 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on 02.05.2022 at about 08.45 p.m, there was a dispute arose between the petitioners and the de-facto complainant. At that time, the petitioners attacked the de-facto complainant and his supporters. Hence, the law enforcing agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution and they are innocents. It is a case in counter case.

4.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that the injured person in this case has been discharged from the hospital.

5.Considering the facts and circumstances of the case and also considering the fact that the injured has been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners.



6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.1, Nagercoil, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties (common sureties) each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation;

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

sd/-
11/05/2022

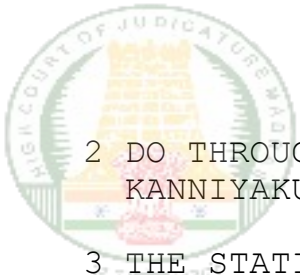
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12/05/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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.I
NAGERCOIL.



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
KANNIYAKUMARI DISTRICT AT NAGERCOIL.

3 THE STATION HOUSE OFFICER,
KANNIYAKUMARI POLICE STATION,
KANNIYAKUMARI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

**ORDER
IN**

CRL OP(MD) No.8949 of 2022
Date :11/05/2022

SA/JM/SAR.2/12.05.2022/4P/5C