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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.12203 of 2022

1. Ahamed Fayaz
2. Shahul Hameed
3. Afzal
4. Mussammil

... Petitioners/Accused
Rank Not Known

Vs

State rep.by
The Inspector of Police,
Eraniel Police Station,
Kanyakumari District.
(Crime No.270 of 2022).

... Respondent/Complainant

For Petitioners : Mr.K.Navaneetharaja, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.270 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

In a connected matter in Crl.OP(MD)Nos.10419 and 10898 of 2022, this Court granted bail to the accused persons by observing as follows:-

"12.In pursuance of the direction, that was issued by this court, vide order, dated 22/06/2022, now the undertaking affidavit is also filed by the petitioners stating that they already made a request to the concerned Organisation not to involve in any protest or agitation in respect of their case. Similarly, the parents of the



petitioners have also given an undertaking affidavit.

"13. Considering the factual issues involved in this case and also considering the fact that in the counter case, anticipatory bail was granted by this court in Crl.OP(MD)No.10617 of 2022, dated 15/06/2022 and also considering the period of incarceration of the petitioners, this court is inclined to grant bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail, on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the Judicial Magistrate, Eraniel and on further condition that the petitioners shall report before the respondent police daily at 10.30 am until further orders."

2. In the aforesaid case, the accused persons filed an undertaking affidavit to the effect they already made a request to the concerned Organisation not to involve in any protest or agitation in respect of their case. Based upon the aforesaid undertaking, the accused persons were granted bail. Since similar undertaking has been given by this petitioners in this case also, this Court is inclined to grant anticipatory bail to the petitioners herein.

3. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Eraniel, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

4. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

Sd/-

07/07/2022

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/07/2022

Sub-Assistant Registrar (C.S.II)
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.

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TO

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

+1. CC to MS. NAVANEETHARAJA.K Advocate SR.No.6818

ORDER
IN
CRL OP(MD) No.12203 of 2022
Date :07/07/2022

SP/JM/SAR II/22/07/2022/3P/6C