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CRL OP(MD). N



22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.15067 of 2022

1. Jamal Mytheen @ Vandir Mirasha,

2. Sathick @ Mohammed Sathick, ... Petitioners/Accused No.1 & 2

Vs

State Rep.by

The Inspector of Police,

Boothapandy Police Station,

Kanyakumari District.

(Crime No.171/2022).

... Respondent/Complainant

For Petitioner : Mr.C.Christopher, Advocate.

For Respondent : Mr.B.Thanga Aravindh,

Government Advocate (Crl.Side)

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

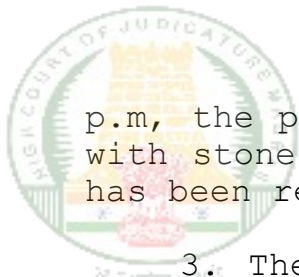
PRAYER :-

For Anticipatory Bail in Crime No.171/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 & 2, apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 341, 324, 307 and 506(ii) I.P.C, in Crime No.171 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to the money transaction, there was dispute between the defacto complainant and the petitioners herein. A part of the amount was settled and a sum of Rs.70,000/- to be paid by the accused person. Even though, repeated demand was made by the defacto complainant, that was not considered by the accused. Over which, on 19.07.2022, at about 06.00



p.m, the petitioners said to have assaulted the defacto co-accused with stone and criminally intimidated him. Over which, present case has been registered against the petitioner.

3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that the injured was discharged from the hospital and no previous case is pending against the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. Side) for the respondent police submitted that the injured was discharged from the hospital and no bad antecedent is reported against the petitioners.

5. Considering the facts and circumstances of the case and also considering the fact that the injured was discharged from the hospital and no bad antecedent is reported against the petitioners, 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 on their appearance, before the learned Judicial Magistrate Court, Boothapandy, Kanyakumari, 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.

7. 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 stands dismissed.

sd/-
23/08/2022

/ TRUE COPY /

/09/2022

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

TO

1 THE JUDICIAL MAGISTRATE
BOOTHAPANDY, KANYAKUMARI.

2 DO-THROUGH :

<https://www.mhc.triuniv.in/> CHIEF JUDICIAL MAGISTRATE,



KANYAKUMARI DISTRICT AT NAGERCOIL

3 THE INSPECTOR OF POLICE
BOOTHAPANDY POLICE STATION,
KANYAKUMARI DISTRICT.

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

+1 CC to M/s.C.CRISHTOPHER, Advocate (SR-8891[I] dated 24/08/2022)

ORDER

IN

CRL OP(MD) No.15067 of 2022

Date :23/08/2022

dss

PKP/VR/SAR-1/02.09.2022/3P/6C