



CRL OP(MD). No.19881 of 2023

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

Date : 09/11/2023

PRESENT

The Hon`ble Mr.Justice P. VADAMALAI

CRL OP(MD). No.19881 of 2023

1. Pal Ribaitheen @ Mohamed Refaidheen,
2. Syedu Ali @ Ali
3. Asim @ Aseem
4. Sheik @ Mohamed Sheik Ibrahim
5. Shahul Hammed @ Shahul Hameed ... Petitioners / Accused No.1 to 5

Vs

The Inspector of Police,
Eathamozhi Police Station,
Kanyakumari District.
(Crime No.76/2023).

... Respondent / Complainant

For Petitioners : B.Micheal Sebastin, Advocate.
For Respondent : Mr.RMS.sethuraman,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.76/2023 on the file of the Respondent Police.



CRL OP(MD). No.19881 of 2023

ORDER: The Court made the following order :-

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The petitioners/accused, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 147, 148, 294(b), 323, 324, 427, 448 and 506(ii) IPC r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.76 of 2023, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to civil dispute, the petitioners herein have attacked the defacto complainant and also abused him in filthy language. Hence, the complaint.

3. The learned counsel appearing for the petitioners submits that the petitioners are innocent person and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and he prays for granting anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent police would submit that that there was a civil dispute between the parties and it is a case and counter case and further, the injured was discharged from the hospital. He further contended that the investigation of the case is pending and hence, strongly objected to granted bail to the petitioners.

5. Taking into consideration the facts and circumstances of the case and that it



CRL OP(MD). No.19881 of 2023

is a case and counter case and that the injured has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

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 No.III,, Nagercoil, Kanyakumari District, 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 on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b] the petitioners shall appear before the respondent police daily at 10.30 a.m., for a period of 30 days 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



CRL OP(MD). No.19881 of 2023

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Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners is 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].

[f]If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/11/2023

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/11/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

To

1.The Judicial Magistrate No.III,
Nagercoil, Kanyakumari District.

2.Do through the Chief Judicial Magistrate,
Kanyakumari District at Nagercoil.

3.The Inspector of Police,
Eathamozhi Police Station,
Kanyakumari District.

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



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CRL OP(MD). No.19881 of 2023

ORDER

IN

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Date :09/11/2023

ED/DD/SAR- (16/11/2023) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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