



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

Monday, the First day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13358 of 2016

1 NOORJAHAN
2 BOWJIYA BEGAM
3 MOHAMED RISWAN
4 DASTHAGIR
5 MOHAMED HUSSAIN
6 KAMALUDEEN
7 KHADAR BATCHA

... PETITIONERS/ACCUSED
(RANKS NOT KNOWN)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
PALAKKARAI POLICE STATION,
TRICHY CITY.
CRIME NO.399 OF 2016

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.DEENADHAYALAN Advocate

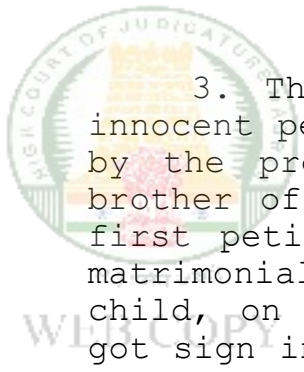
For Respondent : MR.P.KANNITHEVAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as Accused Nos. apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323 and 506(i) IPC, in Crime No.399 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the brother of the defacto complainant married one Vahitha Banu, who is the daughter of the first petitioner. Due to some dispute, she left her matrimonial home and she delivered a child there. On 22.07.2016, her husband went to her home and abused her. On 23.07.2016, the petitioner along with other accused persons went to the defacto complainant's house and attacked the defacto complainant and his family members, on complaint, case has been registered for the above said offences.



3. The case of the petitioners is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Due to the continuous ill treatment of the brother of the defacto complainant/husband and family members, the first petitioner's daughter, Vahitha Banu was forced to leave the matrimonial home, at that time she was pregnant. After delivery of child, on 22.07.2016, her husband went to her home and forcefully got sign in some blank papers for the purpose of divorce and abused her. On 23.07.2016, the petitioner and her relatives went to the defacto complainant's home and questioned the same. Due to that a false complaint has been lodged after lapse of three days of the said occurrence.

4. Learned counsel appeared for the intervenor submitted that on 23.07.2016, the petitioner along with other accused persons trespassed the defacto complainant's house and attacked the defacto complainant and his family members and raised objection for granting Anticipatory Bail to them.

5. The learned Government Advocate (Criminal side) submitted that no one sustained injury in this case.

6. Considering the facts and circumstances of the case and also considering the fact that no one sustained injury in this case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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.V, Tiruchirappalli, on condition that each of the petitioners shall execute 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 respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners 3 to 7 shall report before the respondent Police daily at 10.30 a.m. until further orders and the petitioner 1&2 shall report before the respondent police as and when required.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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].



7. The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioners are complying with the conditions or not.

sd/-
01/08/2016

/ TRUE COPY /

WEB COPY

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

TO

1 THE JUDICIAL MAGISTRATE NO.V,
TIRUCHIRAPPALLI.

2 DO THRO THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3 THE ADDL. PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

4 THE INSPECTOR OF POLICE
PALAKKARAI POLICE STATION, TRICHY CITY.

+1. CC to M/S S.DEENADHAYALAN Advocate SR.No.40998.

ORDER
IN
CRL OP(MD) No.13358 of 2016
Date :01/08/2016

AM/NGM.MP/SAR-I/09.08.2016/3P/6C