



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

Friday, the Eleventh day of November Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD)Nos.21508 & 21514 of 2016

1 RAIHANA BEGAM,
2 K.FAROOK ABDULLAH

..PETITIONERS/ACCUSED 1 & 2
IN BOTH THE PETITIONS

Vs.

STATE REP.BY
THE INSPECTOR OF POLICE,
KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.
IN CR.NO.470/2016 IN CRL.OP(MD)NO.21508/2016
IN CR.NO.472/2016 IN CRL.OP(MD)NO.21514/2016

..RESPONDENT/COMPLAINANT
IN BOTH THE PETITIONS

For Petitioner : M/S.J.WILLIAM CHRISTOPHER Advocate
in both the petitions

For Respondent : M/s.S.PRABHA, Government Advocate (Crl.Side)
in both the petitions

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 448, 427 and 380 IPC in Crime No.470 of 2016 and under Sections 448, 294(b) and 506(i) IPC in Crime No.472 of 2016 on the file of the respondent police respectively, the petitioners have come forward with this petition seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent police.

3. The case of the prosecution is that the petitioners are alleged to have criminally trespassed into the house of the defacto complainant, abused her in filthy language and also stolen some property from her house, which resulted in registration of these two cases.

4. Learned counsel for the petitioners submitted that the defacto complainant is none other than the mother of the 1st petitioner and grandmother of the 2nd petitioner and criminal colour has been given to the family dispute.



5. Learned Government Advocate (Crl.Side) submitted that the investigation of the case is pending.

6. Considering the facts and circumstances of the case and also the fact that the complaints appear to be civil in nature, this Court is of the view that custodial interrogation of these petitioners is not necessary at this stage. **Therefore, this Court is inclined to grant anticipatory bail to the petitioners.**

7. Accordingly, these petitioners are ordered to be released on bail in the event of their arrest or appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the **Judicial Magistrate, Kodaikanal, Dindigul District, subject to the following conditions:**

(i) **each of the petitioners shall** execute a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only) with two common sureties** 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 Magistrate concerned;

(ii) **the petitioners shall report before the respondent police daily at 10:30am for two weeks and thereafter, as and when required for interrogation;**

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall not abscond either during investigation or trial;

(v) on breach of any of the aforesaid conditions, the 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 petitioner released on bail by the 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]**.

8. If it is found that there is a criminal intention on the part of these petitioners, during the course of investigation, it is open to the Police to take action in the manner known to law and bring the issue to a logical end.

sd/-

11/11/2016

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

TO

1 THE JUDICIAL MAGISTRATE, KODAIKANAL, DINDIGUL DISTRICT.

2 ~~do not~~ THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL.



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

4 THE INSPECTOR OF POLICE, KODAIKANAL POLICE STATION,
DINDIGUL DISTRICT.

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+2. CC to M/S.J.WILLIAM CHRISTOPHER Advocate SR.No.68905 & 68904

ORDER IN

CRL OP(MD)Nos.21508 & 21514 of 2016

Date :11/11/2016

PBK/SS-3/SAR-III 22/11/2016 ::3P-7C: