

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

Friday, the Tenth day of June Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.9037 of 2016

N.SHAHINBEGAM

... PETITIONER/ACCUSED NO.11

Vs

STATE REP BY
THE INSPECTOR OF POLICE
K.K. NAGAR (LAW AND ORDER) POLICE STATION,
TRICHY DISTRICT
(CRIME NO.105/2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S N.MOHIDEEN BASHA Advocate
For Respondent : M/S.P.KANNITHEVAN,
Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who is arrayed as Accused No.11, apprehends arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 302 and 120(b) IPC, in Crime No.105 of 2016, on the file of the respondent police and hence, seeks anticipatory bail.

2.The case of the prosecution is that one Kurshid Banu lodged a complaint that her husband is missing from 22.03.2016 and a case has been registered as 'man missing' on 24.03.2016. On 24.03.2016, one Viji @ Vijay has voluntarily appeared before the Village Administrative Officer, K.Abhishekapuram and has given a statement to the effect that due to the civil dispute between the families of the petitioner and the deceased, the petitioner and other accused conspired together and murdered the deceased. Based on the said statement, FIR was altered into Sections 147, 148, 302 and 201 read with 120(b) I.P.C.

3.The case of the petitioner is that the petitioner is an innocent person and she has not committed any offence as alleged by the prosecution. There is no civil dispute between the families of the petitioner and deceased and the petitioner and his family members were falsely implicated in this case based on the alleged statement given by the said Viji @ Vijay to the Village Administrative Officer.

4.The learned Government Advocate (Crl.side) submitted that the petitioner and ten others conspired together and murdered the deceased and investigation is pending and D.N.A. Test report is not yet received as the body was in a decomposed stage. If the petitioner is released on anticipatory bail, she will tamper the evidence and hamper the investigation.

5.Considering the facts and circumstances of the case and also considering the fact that the occurrence tookplace on 21.03.2016, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.2, Trichy, and on her 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police daily at 10.00 a.m. until further orders. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6.The petitioner 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/-

10/06/2016

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE NO.2
TRICHY
 - 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TRICHY DISTRICT
 - 3.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI
 - 4.THE INSPECTOR OF POLICE
K.K. NAGAR (LAW AND ORDER) POLICE STATION,
TRICHY DISTRICT.
- +1. CC to M/S N.MOHIDEEN BASHA Advocate SR.No.29720
RL/6C/2P/SK/SKN/SARII/14/6/2016

ORDER

IN

CRL OP(MD) No.9037 of 2016

Date :10/06/2016