



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

Friday, the Twenty Third day of November Two Thousand and Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20810 of 2018

1. RAMJAN KANI

2. MAIDHEEN KANI

3. AKKIM SHET

4. KASINA BEGAM @ HASEENA BANU

5. MASILA BEGAM @ MAJITHA BEGAM

... PETITIONERS /
ACCUSED NO.1 TO 4&6

Vs

State Rep. by
THE SUB INSPECTOR OF POLICE,
PERAIYUR POLICE STATION, MADURAI DISTRICT,
(CRIME NO.204/2018)

... RESPONDENT/ COMPLAINANT

For Petitioners : MR.T.VADIVELAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI, Government Advocate
(Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 341, 323, 324, 307 and 120(B) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.204 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the petitioners 1 to 3 are the brother of the injured victim namely, Shek Ibrahim. The defacto complainant is the wife of the Shek Ibrahim. The fourth and fifth petitioners are the wife of the first and second petitioners. There seems to be oral partition with regard to sharing of water in the common bore well which is in-front of their house. There was a dispute arose between them and the accused is said to have been assaulted the defacto complainant's husband by



using iron rod and knife, due to which, he sustained injury on his leg.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have nothing to do with the alleged occurrence. He further submitted that the petitioners have preferred a complaint which was registered in Crime No.205 of 2018, since it is a counter case.

4.The learned Government Advocate (Crl.side) for the respondent police submitted that the injured has been discharged from the hospital on 20.11.2018.

5.Taking into consideration the facts of the case, this Court is inclined to grant anticipatory bail to the petitioners.

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, Peraiyur, 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 said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police as and when required for interrogation.

[c] the petitioners shall not tamper with 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 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]**.

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

sd/-
23/11/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
PERAIYUR, MADURAI DISTRICT
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE SUB INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
MADURAI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.T.VADIVELAN Advocate SR.No.21985

ORDER
IN
CRL OP(MD) No.20810 of 2018
Date :23/11/2018

MK/JC/SAR 4/28/11/2018/3P/6C