



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/03/2020
PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP(MD) . No.4358 of 2020

1. Basheer Ahamed
2. Ramjia Banu
3. Mariya Beevi

... Petitioners/Accused No.1,3,4

Vs

The Inspector of Police,
Aruppukottai Town Police Station,
Viruthunagar District ,
Cr.No.45 of 2020.

... Respondent/Complainant

For Petitioners : M/s.R.Venkatesan,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

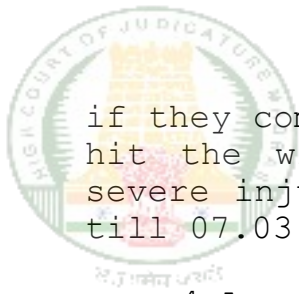
For Anticipatory Bail in Crime No.45 of 2020 on the file of
the Respondent Police

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 294(b),
324, 506(ii) of IPC and Section 4 of TNPHW Act seek anticipatory
bail.

2. Heard both sides.

3. There was money transaction between the defacto complainant
and the first petitioner herein and the first petitioner herein
promised to pay money to the defacto complainant. To collect the
money,when the wife and sister of the defacto complainant went to
the house of the first accused, the first accused and his family
members abused them and also threatened them with dire consequences



if they come again for a money. The son of the first petitioner has hit the wife of the defacto complainant on her head and caused severe injuries. She was taken to hospital and treated as inpatient till 07.03.2020

4.A case has been registered against this petitioner and one Sahubar Shathik on 03.03.2020 for the offence under Sections 294(b), 324, 506(ii) of IPC and Section 4 of TNPHW Act. From the First Information Report, this Court finds that the second accused who caused injury to Mariyam Beevi, the wife of the defacto complainant is not before this court now. As far as other accused/who are petitioners, it appears that the first petitioner owe money to the defacto complainant and on his promise the victims had gone to the house of the first petitioner to collect money. At that time in the course of wordy quarrel, A2 has attacked the wife of the defacto complainant.

5. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the second and third petitioners being women and there is no specific overt act attributed against them.

6. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Aruppukottai on condition that the petitioners 2 and 3 shall execute a bond for a sum of Rs.1,00,000/- (Rupees One lakh only) each 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:

(a) the petitioners 2 and 3 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 2 and 3 shall report before the respondent police daily at 10.30 a.m until further orders.

(c) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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]***; and;



(f)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

7. As regards the first petitioner, since there are allegations against him, this petition is dismissed.

sd/-
10/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKOTTAI
2. THE CHIEF JUDICIAL MAGISTRATE, VIRUDHUNAGAR @ SRIVILLIPUTHUR
3. THE INSPECTOR OF POLICE
ARUPPUKOTTAI TOWN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S.R.VENKATESAN, Advocate, SR.No.5026

ORDER
IN
CRL OP(MD) No.4358 of 2020
Date :10/03/2020

ME/PN/SAR 2/13.03.2020/3P/6C