



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 03/11/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . Nos.12270 and 12272 of 2020

Mohamed Masood

...Petitioner/Accused No.1  
(in CRL OP(MD) No.12270/2020)

1.P.M.Froza Banu

2.Najima Banu

...Petitioners/Accused No.2&3  
(in CRL OP(MD) No.12272/2020)

Vs

The State rep. by  
The Inspector of Police,  
Melapalayam Police Station,  
Tirunelveli City.  
Crime No.1040 of 2020.

... Respondent/Complainant  
(in both the petitions)

For Petitioner : M/s.C.Susikumar,  
(in CRL OP(MD) No.12270/2020) Advocate.

For Petitioners : M/s.R.Maheswaran  
(in CRL OP(MD) No.12272/2020) Advocate.

For Respondent : K.Suyambulinga Bharathi,  
(in both the petitions) Government Advocate (Criminal Side)

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

**PRAYER :-** For Anticipatory Bail in Crime No.1040 of 2020 on the file of the Respondent Police.

**ORDER :** The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 352, 406, 506(i) IPC r/w 109 IPC and Section 4 of TNPWH Act, in Crime No.1040 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused having illegal intimacy with the second accused with the support of the third accused said to have harassed the defacto complainant and abused her with filthy language. Hence, the complaint.



3. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that it is a case in counter. The first accused has already given a complaint against the defacto complainant in Crime No.1038 of 2020 for the offence punishable under Sections 294(b), 307, 506(2) IPC stating that the defacto complainant had illegal intimacy with one Abdul Ravooob and attempted to murder the daughter of the first accused. As a counter blast, the present complaint has been filed. Hence, they seek anticipatory bail.

5. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that it is case and case in counter. He further submitted that the injured person has already been discharged from the hospital.

6. Considering the facts and circumstances of the case and also considering the fact that due to previous motive, the occurrence said to have taken place and it is a case in counter and the injured person has already been discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.V, Tirunelveli, 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 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 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 first accused shall report before the respondent police daily at 10.00 a.m., for a period of four weeks thereafter, as and when required for interrogation and the other accused persons 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]; and;

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

sd/-

03/11/2020

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

**Note :** In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.V,  
TIRUNELVELI.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,  
MELAPALAYAM POLICE STATION,  
TIRUNELVELI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER

IN

CRL OP(MD) No.12270 & 12272 of 2020

Date : 03/11/2020

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