

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Tenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4036 of 2021

1 MUBARAK @ MUBARAK BASHA [PETITIONERS / ACCUSED]
2 JOHN BASHA @ CHAND BASHA
3 SHAMINA @ SIDDIGA TASLEEM

Vs

STATE REP.BY [RESPONDENT]
THE INSPECTOR OF POLICE,
VEPPANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.
CRIME NO.666 OF 2020.

For Petitioner : M/S. E.KANNADASAN Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners are A1 to A3. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 294 (b) and 323 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.666 of 2020 on the file of the respondent police, the petitioners seeks anticipatory bail.

2. The case of the prosecution is that the first petitioner is the husband of the defacto complainant and the second petitioner is the brother-in-law of the defacto complainant and the third petitioner is the co-sister of the defacto complainant. on 01.12.2020, there was a family dispute between the parties and it is alleged that all the petitioners quarreled with the defacto complainant, abused her in filthy language and assaulted her. Hence, the respondent police registered a case against the petitioners.

3. The learned counsel appearing for the petitioners submitted that the petitioners did not indulged in any offence. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that there was a family dispute between the parties, which resulted in a wordy quarrel between the defacto complainant and the petitioners and the petitioners abused the defacto complainant in filthy language and attacked her. No one was injured in the occurrence.

5. Considering the facts and circumstances of the case, and the fact that there was a family dispute between husband and wife and nobody was injured, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions :

(a) 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 No.II, Krishnagiri**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) 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.

(c) The petitioners shall appear before the respondent as and when required for interrogation.

(d) The petitioners shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioners shall not abscond either during investigation or trial.

(f) 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 absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
10/03/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, KRISHNAGIRI.

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEPPANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

+1 CC to M/S. E.KANNADASAN Advocate on payment of necessary charges SR.NO.3128

CRL OP.4036/2021

Date :10/03/2021

TA-11/03/2021