



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of September Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16460 of 2021

1 SABIYA BEEVI
2 BAIROJ BANU

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE,
ANAIKARANCHATRAM POLICE STATION,
ANAIKARANCHATRAM,
MAYILADUTHURAI DISTRICT.
CRIME NO.732 OF 2021

[RESPONDENT]

For Petitioners : M/S.D.ARUN Advocate

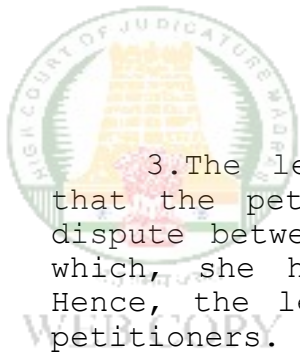
For Respondent : MR.A.GOPINATH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest for the alleged offence under Sections 498(A), 494, 506(II) of IPC in Cr.No.732 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioner A1 and the defacto complainant are husband and wife and the above petitioners arrayed as A2 and A3 are in-laws of the defacto complainant. The petitioner A2 abused and assaulted the defacto complainant continuously. Also the petitioners A2 & A3 performed the marriage of A1 with another women. A1 strangulated the defacto complainant and threatened her not to lodge a complaint against them and if she do so, he will not hesitate to kill her. Hence based on the complaint lodged by the defacto complainant, the respondent police registered a case against the petitioners.



3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and there was a family dispute between the defacto complainant and the petitioners. Due to which, she has lodged a false complaint against the petitioners. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate appearing for the respondent submitted that the petitioners assaulted and threatened the defacto complainant continuously. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Considering the fact and circumstances 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 Court II, Sirkazhi, Mayiladuthurai District, on condition that the petitioners shall execute the 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 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(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]; and;



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

WEB COPY

-sd/-
09/09/2021

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 COURT II,
SIRKAZHI, MAYILADUTHURAI .

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ANAIKARANCHATRAM POLICE STATION,
ANAIKARANCHATRAM,
MAYILADUTHURAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.D.ARUN Advocate on payment of necessary charges
SR.NO.9820

CRL OP.16460/2021

Date :09/09/2021

JPA 28/09/2021