



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.1819 of 2021

1.Mahabuk Basha @ Mahaboob Basha

2.Samsath @ Samsath Begam

... Petitioners/Accused
No.3 and 5

Vs

The State rep.by
The Inspector of Police,
Perungudi Police Station,
Perungudi, Madurai District.
Crime No.28/2021.

... Respondent/Complainant

For Petitioners : Mr.K.Jayaseelan,
Advocate.

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

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

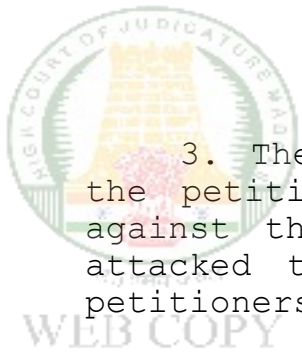
PRAYER :-

For an Anticipatory Bail in Crime No.28 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A3 and A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147,148,294(b) and 302 of IPC seek anticipatory bail.

2. The case of the prosecution is that the petitioners along with other accused said to have unlawfully assembled together,entered into the house of the defacto complainant and attacked the wife of the defacto complainant with aruvalmanai and caused injuries, due to which she was admitted in the hospital and later succumbed to injuries. Hence the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent and a false case has been foisted against them. He would also submit that the petitioners never attacked the deceased, hence he seeks anticipatory bail to the petitioners.

4. The learned Government Advocate(Crl.Side) would submit that the defacto complainant is the husband of the deceased. Due to some property dispute all the accused persons unlawfully assembled together and entered into the house of the defacto complainant and assaulted the wife of the defacto complainant with aruvalmanai on her chest and pushed down, due to which she became unconscious and the defacto complainant admitted here in the hospital and on the same day night she succumbed to injuries.

5.Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no external injuries on the body of the deceased, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, the petitioners 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 learned Judicial Magistrate No.VI, Madurai 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 petitioners shall report before the respondent police daily at 10.30 a.m., until further orders.

(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**



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

sd/-
16/03/2021

/ TRUE COPY /

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/ /2021

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. VI,
MADURAI, MADURAI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
PERUNGUDI POLICE STATION,
PERUNGUDI, MADURAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1819 of 2021
Date : 16/03/2021

AAV
TK/VR/SAR.3/16.03.2021/3P/5C