



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/03/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4280 of 2021

1. Fathima
2. Munni @ Mahajabeen ... Petitioners/2nd & 3rd Accused

Vs

The State Represented by
The Inspector of police,
All Women's Police Station,
Cantonment, Tiruchirappalli District.
Crime No.6 of 2021 ... Respondent/Complainant

Eram ... Petitioner/Intervener/Defacto Complainant
in CRL MP(MD)No.2546 of 2021 in
CRL OP(MD)No.4280 of 2021

For Petitioners : Mr.B.Jameel Arasu,
Advocate.
For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)
For Intervenor : Mr.V.Purushothaman, Advocate

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

PRAYER :-For Anticipatory Bail in Crime No. 6 of 2021 on the file of
the respondent Police

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.2 and 3,
apprehending arrest at the hands of the respondent police for the
offences punishable under sections 406, 417, 420 and 376 of IPC, on
the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first accused has
committed penetrative sexual assault over the period of time upon
the defacto complainant and the petitioners and other accused
misappropriated 100 sovereigns of jewels and amount of
Rs.20,00,000/- .



3.The learned counsel for the petitioner would submit that the petitioners are innocent persons and they have been falsely implicated in this case. and hence he may be granted anticipatory bail.

4. The learned Government Advocate(Crl.Side) would submit that the investigation in this case is in progress.

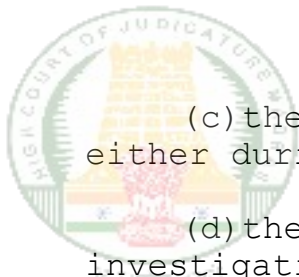
5.Considering the rival submissions and the perusal of materials, it is seen the first accused has been arrested in this case on 12.03.2021. Earlier to this, one Parveen had been filed complaint with similar allegation in Crime No.13 of 2020, on 28.03.2020, in which, the first petitioner is also an accused. It is seen that the defacto complainant herein is A3 in that case (Crime No.13 of 2020), where, she along with the first petitioner herein and A1 said to have involved in that offence. The defacto complainant in Crime No.13 of 2020 is one Parveen, who is none other than the brother's wife of the first accused. The defacto complainant aged about 36 years, who is aware about the happenings and she lodged a complaint for offence which is said to have been taken place in the year 2010 and she had submitted herself to the wishers of the petitioner, arrested the first accused on the compulsion of the other two accused, who is the petitioner herein and her jewels of 100 sovereigns taken away and Rs.20,00,000/- in cash had been misappropriated seems to be exaggerated. The delay in lodging the complaint no reason is given. Further, the petitioner and the defacto complainant are close relatives.

6.Considering the above facts and circumstances of the case, 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 Additional Mahila Court, Trichy, 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 am for a period of two weeks and thereafter as and



(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;

WEB COPY (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/-

31/03/2021

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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 JUDGE,
ADDITIONAL MAHILA COURT, TRICHY
- 2 THE INSPECTOR OF POLICE,
ALL WOMEN'S POLICE STATION,
CANTONMENT, TIRUCHIRAPPALLI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.4280 of 2021

Date :31/03/2021

Ls

AE/JC/SAR-I (08/04/2021) 3P / 4C