



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 17/12/2021

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20200 of 2021

1. Haithar Ali
2. Rahila Beevi

... Petitioners/Accused Nos.1 and 2

Vs

State Rep.by
The Inspector of Police,
Ariyamangalam Police Station,
Trichy District.
Crime No.661 of 2021.

... Respondent/Complainant

For Petitioners: Mr.S.Sathyachidambaram, Advocate.
For Respondent : Mr.S.S.Madhavan,
Government Advocate (Crl.Side)

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

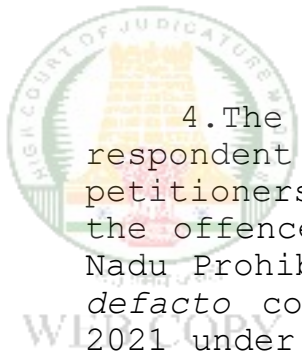
PRAYER :- For Anticipatory Bail in Crime No.661 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294 (b), 323, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, in Crime No.661 of 2021, seek anticipatory bail.

2.The case of the prosecution is that there was family dispute between the parties, on 21.10.2021, the petitioners had abused and assaulted the *defacto* complainant and his family members. Hence, the complaint.

3.The learned counsel for the petitioners would submit that there was family dispute between two families and the *defacto* complainant and family members were having previous case and it is a case in counter, based upon the complaint given by the petitioners, the counter case was registered in Crime No.543 of 2021 against the *defacto* complainant party and that the injured was discharged from the hospital. Hence, prays to release them on anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that based upon the complaint given by the petitioners, case in counter was registered in Cr.No.543 of 2021 for the offences under Sections 294(b), 323 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and it appears that the *defacto* complainant party is having previous case in Cr.No.30 of 2021 under Section 498(A), 294(b), 406, 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act and in this case, injured has been treated as out patient, in private hospital.

5.Reading of the FIR shows that there was matrimonial dispute between two families, on 05.01.2017 marriage was held between the *defacto* complainant and first accused and this present FIR was registered on the basis of the complaint given by the *defacto* complainant stating that the petitioners along with other persons came to the house and caused injury and also abused in filthy language. Action has been taken against the complaint given by *defacto* complainant and later this FIR came to be registered. In this case, injured has been treated as out patient, in private hospital.

6.Considering the facts and circumstances of this case, continuous family dispute between two families, who are close relatives, that the injured has been treated as out patient and it is a case in counter, 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, before the learned Additional Judicial Magistrate, Mahila Court, (Magistrate Level), Trichy and on their executing 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners shall appear before the concerned Magistrate within a period of fifteen days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
17/12/2021

/ TRUE COPY /

/ /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.

WEB COPY

- TO
- 1 THE ADDITIONAL JUDICIAL MAGISTRATE,
MAHILA COURT, (MAGISTRATE LEVEL),
TRICHY.
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
ARIYAMANGALAM POLICE STATION,
TRICHY DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.20200 of 2021
Date :17/12/2021

PNM
MS/JC/SAR-1/22.12.2021/3P.5C