



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.335 of 2022

1.Sharifa
2.N.Rabiyathul Basariya
3.H.Mohamed Nasar
4.N.Mohamed Nayeem
5.N.Azeemullah

... Petitioners

Vs.

The State represented by
The Inspector of Police,
T-14, Mangadu Police Station,
Chennai.

Crime No.1115 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to grant an anticipatory bail to the petitioners in the event of their arrest or on their appearance before any Court in connection with the case in Crime No.1115 of 2021 pending investigation on the file of the respondent police.

For Petitioners: Mr.R.Dineshkumar

For Respondent : Mr.N.S.Suganthan
Government Advocate (Cr1.Side)

ORDER

(This case has ben heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 147, 148, 294(b), 323, 448, 427 and 506(II) of IPC and r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.1115 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners and the defacto complainant are the family members and there was some family dispute between them with regard to the house property, where the defacto complainant and her family is now residing. Hence, the



complaint.

3. The learned counsel appearing for the petitioners admits that there was a family dispute between the petitioners and the defacto complainant, but, they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submits that as per the direction given by this Court on 10.01.2022, the petitioners have filed the undertaking affidavit stating that they will not make any disturbance to the defacto complainant and further undertakes that they will approach the Civil Court to solve the dispute as the matter is purely civil in nature between the family members. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent submits that investigation almost completed and there is no previous case pending against the petitioners. However, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the undertaking affidavit filed by the petitioners, this Court is inclined to grant anticipatory bail to the petitioners with the following condition.

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 (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the *learned District Munsif cum Judicial Magistrate Court, Sriperumbudur* on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), 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 on every Saturday at 10.30 a.m. for a period of four weeks and thereafter as and when required for an 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 has been imposed and the petitioners is 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;

-sd/-

12/01/2022

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 DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
SRIPERUMBUDUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
T-14, MANGADU POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. R.DINESHKUMAR Advocate on payment of necessary charges SR.No.661

CRL OP.335/2022

Date :12/01/2022

CSK 20/01/2022