



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Second day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6513 of 2022

1 ASHIQ AMEER JOHN
2 SYED IBRAHIM

[PETITIONERS / ACCUSED]

Vs

THE STATE REP BY ITS
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL DISTRICT.
CRIME NO.11 OF 2022.

[RESPONDENT]

For Petitioners : M/S.S.SHEIK THANVEER AHMED Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners are arrayed as A4 & A6 in the case registered for the offences punishable under Sections 376, 417, 312, 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.11 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The defacto complainant's grievance is mainly against the 1st accused by name Ibrahim Basha. According to her the said Ibrahim Basha had sexual intercourse with her on the promise of marriage and later refused to marry her and forced her for abortion. Further, these petitioners are the friends of Ibrahim Basha have assisted A1 to accompany the defacto complainant to the hospital for abortion.

3. Considering the allegations made against these petitioners, this court is of the view that custodial interrogation of the petitioners are not required. Hence, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.



4. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Additional Mahila Court, Namakkal on condition that each of the petitioners shall execute a separate bond for a sum of Rs.25,000/- (Rupees Twenty Five 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioners shall report before the respondent police as and when required;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;

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

-sd/-
22/03/2022

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 ADDITIONAL MAHILA COURT
NAMAKKAL.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.S.SHEIK THANVEER AHMED Advocate on payment of
necessary charges SR.NO.4305

CRL OP.6513/2022

Date :22/03/2022

JPA 25/03/2022