



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice M. NIRMAL KUMAR

CRIMINAL ORIGINAL PETITION No.12519 of 2022

1 SHAHIN BEGUM [PETITIONERS / ACCUSED]
2 MAQBOOL BASHA
3 JAFFAR BASHA
4 NOORJAHAN
5 SHAYADHA BEGUM
6 SUMAIYA BEGUM
7 KAMAR BEGUM @ KAMAR SULTANA
8 DASTHAGEER BASHA

Vs

STATE INSPECTOR OF POLICE [RESPONDENT]
E 2 ROYAPETTAH POLICE STATION,
CHENNAI.
(CRIME NO.129/2022)

For Petitioner : M/S.M.RAJAVELU Advocate

For Respondent : M/S.R.S.NIRANJAN, Public Prosecutor
For MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 336, 504, 506(ii) and 380 IPC in Crime No.129 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the 1st petitioner is the wife of the defacto complainant and the other petitioners are the relatives of the 1st petitioner. When the defacto complainant was not in the home the 1st petitioner took gold jewels and other articles and also transferred Rs.7 lakhs from the defacto complainant's account and went to her paternal home. When the defacto complainant asked to return the articles, there arose a quarrel and the petitioners attacked the defacto complainant and threatened him with dire consequences. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. He further submitted that the defacto complainant had developed illicit relationship with another girl, due to which the 1st petitioner had went to her paternal home and the defacto complainant barged into the house of the petitioners and abused them in filthy language and attacked the petitioners, for which the 1st petitioner lodged a complaint in Crime No.128 of 2022 as against the defacto complainant. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners attacked the defacto complainant and threatened him with dire consequences. He would further submit that it is a case in counter and there was a family dispute between the petitioners and the defacto complainant. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above fact and circumstances of the case and also considering the fact that there was a family dispute between the petitioners and the defacto complainant, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned XVIII Metropolitan Magistrate, Saidapet, Chennai on condition that the petitioners shall each 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, failing which, the petition for anticipatory bail shall stand dismissed 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 appear before the respondent police as and when required for 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 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-

26/05/2022

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 XVIII METROPOLITAN MAGISTRATE,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
E 2 ROYAPETTAH POLICE STATION,
CHENNAI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.RAJAVELU Advocate on payment of necessary charges
SR.No.7938

CRL OP.12519/2022

Date :26/05/2022

CSK 27/05/2022