



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION NOS.13171 & 13173 of 2022

AAFRIN BEGUM

[PETITIONER / ACCUSED
IN CRL.OP.NO.13171/2022]

1.FARHAN BASHA
2.MOMALA BEE

[PETITIONERS/ ACCUSED
IN CRL.OP.NO.13173/2022]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
E-2 ROYAPETTAH POLICE STATION,
CHENNAI.
(CR.NO.129 OF 2022)

[RESPONDENT/COMPLAINANT
IN BOTH PETITIONS]

For Petitioner : M/S.M.RAJAVELU Advocate
[IN BOTH PETITIONS]

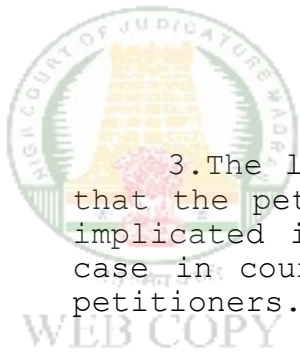
For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor
[IN BOTH PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offences under Sections 147, 294 (b), 336, 504, 506(ii) and 380 of I.P.C, in Crime No.129 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant's wife Shahin Begum is the daughter of the 2nd petitioner in Crl.O.P.No.13173 of 2022. The defacto complainant had illicit relationship with one Wajia Sultana. Due to which there arose a wordy quarrel between the petitioners and the defacto complainant. Hence, a case was registered against the petitioners.



3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that it is a case of case in counter and he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners abused the defacto complainant in a filthy language. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. Considering the above facts and circumstances of the case, 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 at Chennai, on condition that each of 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, 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 report 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.

WEB COPY

-sd/-

08/06/2022

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.

+2CC to M/S.M.RAJAVELU Advocate on payment of necessary charges
SR.Nos.8705+8704

CRL.OP.NOs.13171&13173/2022

Date :08/06/2022

CSK 10/06/2022