



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

Date : 13.06.2022

PRESENT

The Hon`ble Mr.Justice **K.MURALI SHANKAR**

CRL OP(MD). No.10389 of 2022

WEB COPY

1. Sitharasirin

2. Sabiya Begum @ Rasila ... Petitioners/Accused Nos. 1 & 2

Vs

State through

The Sub-Inspector of Police,

Natham Police Station,

Dindigul District.

(Crime No.76 of 2022)

...Respondent/Complainant

For Petitioners: Mr.C.M.Arumugam, Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl. Side).

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

PRAYER :-

For Anticipatory Bail in Crime No.76 of 2022 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 and 506(1) IPC altered into Sections 294(b), 304(2) r/w 34 IPC, in Crime No.76 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the first petitioner are husband and wife and on 24.02.2022, the first petitioner demanded the defacto complainant to register the house property at Madurai in her name, due to that, a wordy quarrel arose between the parties and at that time, the first accused attempted to assault the defacto complainant by using a grinder stone, but the same was intercepted by the defacto complainant's mother and the petitioners and the other accused attacked the defacto complainant's mother, due to that, she sustained injuries and taken to hospital, but on 03.03.2022, she was died.



3.Originally, the case was registered for the offences under Sections 294(b), 323 and 506(1) IPC and subsequently the case was altered into Sections 294(b) and 302 IPC and thereafter charge sheet has been laid for the offences under Section 294(b), 304(2) r/w 34 IPC.

4.The learned counsel for the petitioners would submit that the only allegation levelled against the petitioners is that they have abused the defacto complainant in filthy language and the main overt act was only against the first accused/Mohamed Fajulul Hag and that the first accused was granted bail by the Principal Sessions Judge, Dindigul in CrI.M.P.Nos.1087 and 1088 of 2022 vide order dated 20.04.2022.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that the petitioners are not having any previous cases.

6.Considering the above facts and circumstances and also the facts that the main accused was already released on bail, that the petitioners are not having any bad antecedents and that charge sheet has been filed before the concerned Court, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Natham, Dindigul District, on condition that the petitioners shall execute a bond for a sum of **Rs.25,000/- (Rupees Twenty Five Thousand only)** each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

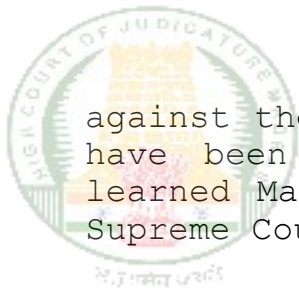
[a]the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before the respondent police daily at 10.30 a.m., for a period of one month and thereafter, as and when required for interrogation.

[c]the petitioners shall not tamper with the 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 229-A IPC.

sd/-
13/06/2022

/ TRUE COPY /

/ /2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

CSM

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.

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, NATHAM,
DINDIGUL DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
- 3 THE SUB INSPECTOR OF POLICE
NATHAM POLICE STATION, DINDIGUL DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.C.ARUMUGAM, Advocate (SR-5583[I] dated 15/06/2022)

ORDER
IN
CRL OP(MD) No.10389 of 2022
Date :13/06/2022

PKP/JM/SAR-1/16.06.2022/3P/6C