



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

Date : 14/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD). No.12280 of 2022

WEB COPY

1. M.Sheik Dawood,
2. Yasar Arafath @ Mohammed YasAr Arafath,
3. Mohammed Kani,
4. Parveen @ Parveen Banu, ... Petitioners/Accused 1 to 3 & 5

Vs

State Rep by
The Inspector of Police,
Udayalipatti Police Station,
Pudukottai District
(Crime No. 93 of 2022). ... Respondent/Complainant

For Petitioners: M/s. Muthu Saravanan.C,
Advocate.

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

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

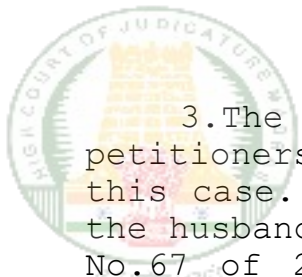
PRAYER :-

For Anticipatory Bail in Crime No.93 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused No.1 to 3 & 5, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 147, 294(b), 427, 506(ii) I.P.C, in Crime No.93 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that on 03.07.2022, she was attending the function along with the her 3 children in Andakulam. At that time, the accused person gathered and enquired about her husband and tried to assault and criminally intimidated them. At the intervention of the neighbours, they fled away from the place of occurrence. Based upon the complaint given by the defacto complainant, case has been registered against the petitioners.



3.The learned counsel for the petitioners submitted the petitioners are innocent and they have been falsely implicated in this case. He further submitted that because of the dispute between the husband and wife repeated complaints have been registered. Crime No.67 of 2022 has been registered on the basis of the complaint given by the defacto complainant namely, one Mohammed sirajudeen and Crime No.68 of 2022 has been registered on the basis of the complaint given by the first petitioner herein against the above said Mohammed sirajudeen and his family members. The first petitioner is the son-in-law of the above said Mohammed sirajudeen. The learned counsel for the petitioners is not in a position to understand the reason for not coming of the wife to the matrimonial home along with her 3 children.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that no one has sustained injury in this case and no previous case is pending against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that it is a dispute between the husband and wife, no one has sustained injury and no bad antecedent is reported against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Keeranur, Pudukottai District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-
14/07/2022

/ TRUE COPY /

/07/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

dss

<https://www.mhc.tn.gov.in/judis>



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 Judicial Magistrate,
Keeranur, Pudukottai District.
2. Do-Through The Chief Judicial Magistrate,
Pudukottai District.
3. The Inspector of Police,
Udayalipatti Police Station, Pudukottai District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.N.RATHEESH, Advocate (SR-7265[I] dated 18/07/2022)

ORDER
IN
CRL OP(MD) No.12280 of 2022
Date : 14/07/2022

TR/VR/SAR-i (20.07.2022) 3P 6C