



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 21/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.13167 of 2022

WEB COPY

1 Mohamed Abubackar Sithick @ Sithick
2 Anis Fathima
3 Gulamdeen @ Kulam

... Petitioners/Accused No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Alwarthirunagari Police Station,
Tirunelveli District.
Crime No.70 of 2022.

... Respondent/Complainant

For Petitioners : M/s.Navaneetharaja K, Advocate.
For Respondent : Mr.P.Kottaichamy
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.70 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 448, 294(b), 352, 342, 506(i) IPC and Section 4 of Prohibition of Harassment of Women Act, 2002, in Crime No.70 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that defacto complainant is the husband of the daughter of 2nd accused and there was some dispute between the husband and wife. Because of the illegal intimacy of the first accused with some other girl, the daughter of the second accused sent out from the matrimonial home and that there was a wordy quarrel arose between them. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl. Side) for the respondent police submitted that it is a matrimonial dispute and no one has injured.



5.Considering the nature of offence and that the case between the daughter of the second respondent and the defacto complainant and that no one has injured, 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 No.II, Srivaikundam, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police once in a week i.e., on every Monday 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/-

21/07/2022

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/07/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, SRIVAIKUNDAM.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE, ALWARTHIRUNAGARI POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.13167 of 2022

Date :21/07/2022

RS/VR/SAR.3 (27.07.2022) 2P-5C