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

Date : 23/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.14971 of 2022

1. Bowsiya Begam
2. Jaffer Hussain
3. Faritha Begam
4. Yasar Arapath
5. Sharmila @ Sharmila Banu
6. Mohamed Mytheen @ Mytheen
7. Daanish Ahamed @ Daanish

... Petitioners/Accused
No.1 to 7

Vs

State rep.by
The Inspector of Police,
D1, Tallakulam Police Station (L & O),
Madurai City.
(Crime No.538/2022).

... Respondent/Complainant

For Petitioners : M/s.Muniyandi S, 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.538/2022 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 120(b), 294(b), 323, 354, 448, 506(i) IPC and Section 4 TNPPDL Act,



in Crime No.538 of 2022 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the complaint lodged by the defacto complainant is that A1 married One Fijilla on 21.02.2021 and after that they were residing at ground portion of the house. After the above said marriage, there was a difference of opinion between them, because of the sister of the defacto complainant's husband. On 04.05.2022, again trouble arose between the husband and wife. On 05.05.2022 at 11.30 am when the defacto complainant's wife was alone in the house, the said Bowsiya Begam abused the wife of the defacto complainant and the accused persons trespassed into the house and caused damage to the household articles. Because of the above said issue, the defacto complainant's wife was injured and she was admitted in the hospital and that the counter case has also been registered in CSR.No.6 of 2022 on the file of the respondent police, but, no action was taken for registration of case till then.

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) would submit damage caused to the household articles and the injured was discharged from the hospital and the investigation of the case is pending.

5. Even though the worth of the damage is not mentioned in the FIR, the learned Government Advocate would submit that the damage caused by the petitioners is approximately Rs.25,000/-.

5. Considering the nature of offence, the overt act attributed against the petitioners, the injured person has been discharged from the hospital and that this is a case and case in counter, 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, Madurai, 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; the petitioners shall deposit a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) to the credit of Crime No.538 of 2022 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.

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Sd/-
23/08/2022

/ TRUE COPY /

/09/2022
Sub-Assistant Registrar (C.S.II)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

1. THE JUDICIAL MAGISTRATE NO.II,
MADURAI.
 2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE,
D1, TALLAKULAM POLICE STATION (L & O),
MADURAI CITY.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.
- +1. CC to M/S.MUNIYANDI S Advocate SR.No.40309

ORDER
IN
CRL OP(MD) No.14971 of 2022
Date :23/08/2022

SP/SVR/SAR II/06/09/2022/3P/6C