



CrI.O.P.No.16470 of 2023

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G.CHANDRASEKHARAN. J.

The petitioners namely Syed Mohammed Meerans, Ameer Katchi Mohaideen, Nisha Begam and Bather Aysha Mariam, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 323, 324 and 506(i) IPC in Crime No.264 of 2023 on the file of the respondent police, seek anticipatory bail.

2. Learned counsel for the petitioners submitted that, petitioners are falsely implicated in this case in Crime No.264 of 2023 for the offences under Sections 294(b), 323, 324 and 506(i) IPC. It is the submission of the learned counsel for the petitioners that, defacto complainant is the mother-in-law of the 1st petitioner. There is a matrimonial dispute between the 1st petitioner and defacto complainant's daughter. Therefore, defacto complainant filed a false case alleging that, the accused had beaten and made criminal intimidation against the defacto complainant and her family members. Infact, 1st petitioner had given a complaint through on-line to the Commissioner of Police, Chennai. There is also an



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exchange of legal notice between them. Apprehending arrest at the hands of the respondent, this petition is filed.

3. Learned Government Advocate (Criminal side), opposes this petition, on the ground that, due to matrimonial discard, on 29.03.2022 at about 8.30 a.m., defacto complainant and her daughter namely Afrin Shibana had visited the house of the accused for taking her belongings. On verifying the bureau, they found that, 8 sovereigns jewels were missing. When they asked about the missing jewels, accused started beating them. 1st accused had beaten the defacto complainant with a wooden roller pin on her head. As a result, she suffered injuries on her head. Other accused also joined in attacking the defacto complainant. Parvin was slapped by 1st accused. Thus, he prays for dismissal of this petition.

4. Considered the submissions and perused the records.

5. It is seen from the copy of the Accident register produced by the learned Government Advocate (criminal side) that, defacto complainant suffered laceration of size 0.5x0.5x0.5 cm at vertex of scalp, obviously because of the



assault made by the 1st petitioner with wooden roller pin.

6.1 In the said circumstances, this Court is not inclined to grant anticipatory bail to the 1st petitioner. Therefore, this Criminal Original Petition is dismissed, insofar as 1st petitioner is concerned.

6.2 Considering the fact that, 2nd petitioner is aged 61 years and other petitioners are female, this Court is of the view that, custodial interrogation of 2nd, 3rd and 4th petitioners are not necessary and 2nd, 3rd and 4th petitioners are ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before **the learned 23rd Metropolitan Magistrate, Saidapet**, on condition that the 2nd, 3rd and 4th petitioners shall execute separate bonds for a sum of **Rs.25,000/- (Rupees Twenty Five 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:



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[a] the 2nd, 3rd and 4th 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 2nd, 3rd and 4th petitioners shall report before the respondent police as and when required for interrogation;

[c] the 2nd, 3rd and 4th petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the 2nd, 3rd and 4th 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 2nd, 3rd and 4th petitioners in accordance with law as if the conditions have been imposed and the 2nd, 3rd and 4th 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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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