



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/02/2023

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PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.3349 of 2023

1. Jamal Beevi
2. Mydeen Beevi
3. Katchi Meerai
4. Iqbal
5. Packeermohideen
6. Kother Bathu ... Petitioners/Accused

Vs

The state rep by
The Inspector of Police,
Pathamadai Police Station, Tirunelveli
District (Crime No.22 of 2023).

... Respondent/Complainant

For Petitioners : M/s.Sathya Chidambaram.S,
For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

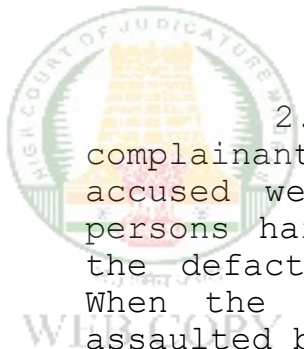
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.22 of 2023 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 147, 148, 294(b), 323, 498(A), 506(i) of I.P.C, in Crime No.22 of 2023, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution as per the complainant is that she married the first accused and the first accused went abroad for his work. After marriage, the accused persons harassed the defacto complainant and went to the house of the defacto complainant and threatened her to sign for divorce. When the same was refused by the defacto complainant, she was assaulted by the accused persons. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are innocent and a false case was foisted against them. The petitioners are in-laws of the defacto complainant. The first accused/husband of the defacto complainant was arrested and released on bail. The allegations against the petitioners are absolutely false and due to a matrimonial dispute the false complaint has been made. Hence, prays to enlarge them on anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that in this case, the accused persons had harassed the defacto complainant and assaulted her with hands. Hence, prays to dismiss the petition.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case and considering the nature of matrimonial dispute between the parties and that the main accused has already been released on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate, Cheranmahadevi, Tirunelveli District**, 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 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:

(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or bank pass book to ensure their identity;

(b)the petitioners shall report before the respondent Police daily at 10:30 a.m., until further orders;



(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]**; and;

(f)if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

28/02/2023

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/03/2023

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

PNM

TO

1. The Judicial Magistrate, Cheranmahadevi, Tirunelveli
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.
3. The Inspector of Police,
Pathamadai Police Station, Tirunelveli
District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-3141[I] dated 01/03/2023)

CRL OP(MD) No.3349 of 2023

Date :28/02/2023

KB/vs/s3(08.03.2023) 3P 6C