



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

Date : 31/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.6052 of 2023

WEB COPY

1. Mohammad Rabik,
2. KadharSayeedEbrahim,
3. Mohammad Fahadh,
4. Ajmullah,
5. Aatheesh

... Petitioners/Accused

Vs

State Rep.by
The Sub Inspector of Police,
Sayalkudi Police Station,
Ramanathapuram District.
(Crime No.63/2023).

... Respondent/Complainant

For Petitioners : M/s.S.M.A.Jinnah, Advocate.
For Intervenor : M/s.V.Muthukamatchi, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.63/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 109,147,494,447,294(b), 506(i) of IPC and section 4 of TNPHW Act in Crime No. 63 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that there was a matrimonial dispute between the first petitioner and the defacto complainant and they are living separately. While being so, the first petitioner married another women at Madurai following the Muslim rights and customs. In these circumstances the petitioners trespassed into the house of the defacto complainant abused her in filthy language and also threatened the defacto complainant, hence the case.

3. Heard both side and perused the materials available on record including the First Information Report.



4. It is seen that there is dispute between the family of the first accused and the defacto complainant. The first accused got married another lady. While he was working abroad, he earned huge money and property was also purchased in the name of his first wife, however it was looted by them. Taking into consideration all the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners, with certain conditions:

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned judicial Magistrate, Kadaladi Ramanathapuram 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 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., for a period of three weeks and thereafter as and when required for interrogation

[c] the petitioners shall not tamper with 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].

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

sd/-

31/03/2023

/ TRUE COPY /

/04/2023

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



TO

1 THE JUDICIAL MAGISTRATE, KADALADI, RAMANATHAPURAM DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM DISTRICT.

3 THE SUB INSPECTOR OF POLICE, SAYALKUDI POLICE STATION,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.S.M.A.JINNAH, Advocate (SR-5364[I] dated 03/04/2023)

ORDER

IN

CRL OP(MD) No.6052 of 2023

Date :31/03/2023

RS/BUC/SAR-3(06.04.2023) 3P 6C