



WEB COPY

CRL OP(MD)A



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.06.2023

PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD)No.11594 of 2023

1.H.Mohammed Mushthafa

2.Gowshi Nisha

3.Badurunisha

... Petitioners/Accused (1 to 3)

Vs

The Inspector of Police,
Woraiyur Police Station,
Woraiyur,
Trichy District.
(In Crime No.1140 of 2023)

... Respondent/Complainant

For Petitioners: Mr.H.Jahirhussain

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

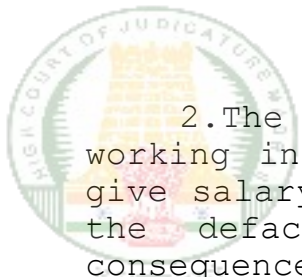
PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1140 of 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 offence punishable under Section 294(b), 323 and 506(i) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.1140 of 2023, on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the petitioner is working in the defacto complainant's super market and she did not give salary regularly. Due to the same, the petitioners had beaten the defacto complainant and also threatened her with dire consequences. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the the defacto complainant is running a super market and the petitioners are working there. The defacto complainant has to pay salary for some months and when the same was demanded by the petitioners, a false complaint has been lodged against the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the injured person has already been discharged from the hospital.

5.Considering the above facts and circumstances and also the fact that the injured person has already discharged from the hospital, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6.Accordingly, 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 Additional Mahila Court, Trichy, 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 on further conditions that:

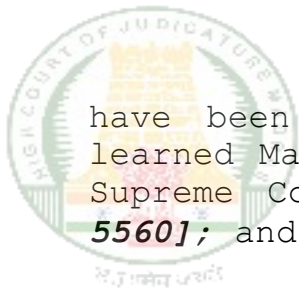
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the first petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation and 2nd and 3rd petitioners shall report before the respondent police as and when required.

(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/-

28/06/2023

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/07/2023

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

gns

TO

- 1.The Additional Mahila Court,
Trichy
- 2.The Inspector of Police,
Woraiyur Police Station,
Woraiyur
Trichy District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.R.SUNDAR, Advocate (SR-9858[I] dated 30/06/2023)

ORDER

IN

CRL OP(MD) No.11594 of 2023

Date :28/06/2023

DL/(06.07.2023)/ 3P/5C