



CRL OP(MD) No.13215 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Wednesday, the Fourth day of October Two Thousand and Twenty Three

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD) No.13215 of 2023

1 HAMITHA @ AMITHABEBI MOHAMED KASIM

2 JAHIRA @ JAKIRA

3 ALAVUDEEN @ ALUDEEN KADARMOHAMED

... PETITIONER/ACCUSED NOS.2, 5 TO 6

Vs

1 State Rep.by

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

KEERANUR, PUDUKOTTAI DISTRICT.

(CRIME NO.34 OF 2022)

... RESPONDENT/COMPLAINANT

BENAZIR

... PETITIONER/INTERVENER

IN CRL MP(MD).12021/2023 IN CRL OP(MD).13215/2023

For Petitioner	:	M/S.B.JAMEELARASU, Advocate
For Respondent	:	MRS.M.AASHA, Government Advocate (Crl.Side)
For Intervenor	:	MR.GANAPATHI SUBRAMANIAN.P, Advocate

PETITION FOR ANTICIPATORY BAIL UNDER SEC 438 OF CR.P.C.

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO.34 OF 2022 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-



CRL OP(MD) No.13215 of 2023

WEB COPY

The petitioners/ Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 498(A) and 506(i) IPC Crime No.34 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute, the petitioners and other accused said to have tortured the defacto complainant both mentally and physically. Hence, the case.

3.The learned counsel for the petitioners would contend that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence, prayed for anticipatory bail.

4.The learned Government Advocate (Crl. Side) would submit that it is a matrimonial dispute between the A1 and the defato complainant and that the petitioners herein have tortured the defacto complainant and she would further submit that the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute between the husband and wife, 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



CRL OP(MD) No.13215 of 2023

WEB COPY

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, Keeranur, Pudukkottai 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 learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 as well as the trial Court on receipt of summons.

[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 petitioner 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].



CRL OP(MD) No.13215 of 2023

[f] If the accused thereafter absconds, a fresh FIR can be registered under

WEB COPY

Section 229A IPC.

sd/-

04/10/2023

/ TRUE COPY /

/10/2023

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

TRP

TO

1 THE JUDICIAL MAGISTRATE, KEERANUR, PUDUKKOTTAI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, KEERANUR,
PUDUKOTTAI DISTRICT.

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-14670[I] dated 05/10/2023)

ORDER IN

CRL OP(MD) No.13215 of 2023

Date :04/10/2023

RS/VRS/SAR-(10.10.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
certified copies in this format from 17/07/2023