



CRL OP(MD) No.166 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.166 of 2024

1 BALKEES @ BALKEES BANU

2 KATHAR BATCHA

3 SHAJAKHAN

... Petitioners / Accused No.1 to 3

Vs

THE INSPECTOR OF POLICE  
THILLAINAGAR POLICE STATION,  
TRICHY CITY.  
(CRIME NO.2390/2023.)

... Respondent / Complainant

For Petitioners : M/s.N.Adithya Vijayalayan, Advocate

For Respondent : Mr.SS.Madhavan,  
Government Advocate ( CrI. Side)

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.2390/2023 ON THE FILE OF  
THE RESPONDENT POLICE.



ORDER: The Court Made the following order :-

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The petitioners/A1 to A3, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 363, 294(b), 323 and 506(i) of IPC in Crime No.2390 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a retired Loco Pilot. After death of the first wife, he performed second marriage with the first petitioner through his co-brother, namely, Abuthahir. Thereafter, the first petitioner had illicit intimacy with the said Abuthahir. Hence, the de-facto complainant filed a suit for divorce. It is further alleged that the petitioners kidnapped the de-facto complainant and attacked him and also threatened him to sign in blank papers. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and in order to wreck vengeance against the petitioners, a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. side) appearing for the State strongly opposed this petition on the ground that investigation is pending.

5.Considering the facts and circumstances of the case and also considering the fact that it is a family dispute between the parties, this Court is inclined to grant



anticipatory bail to the petitioners with certain conditions.

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6. Accordingly, this Criminal Original Petition is ordered and 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 of receipt of a copy of this order, before the learned Judicial Magistrate Court No.IV, 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) the first petitioner shall report before the respondent police as and when required for interrogation; and the petitioners 2 and 3 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;



CRL OP(MD) No.166 of 2024

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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;

(g)if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-  
05/01/2024

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/01/2024  
Sub-Assistant Registrar  
(C.S. I / II / III /IV)  
Madurai Bench of Madras High Court,  
Madurai - 625 023.

SJI



CRL OP(MD) No.166 of 2024

To

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1.The Judicial Magistrate No.IV,  
Trichy.

2.Do through the Chief Judicial Magistrate,  
Trichy District.

3.The Inspector of Police,  
Thillainagar Police Station,  
Trichy City.

4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.VENKATESH, Advocate ( SR-308[I] dated 08/01/2024 )

ORDER  
IN

CRL OP(MD) No.166 of 2024

Date :05/01/2024

ED/ JGB /SAR- (09/01/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from  
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