



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

Wednesday, the Sixteenth day of December Two Thousand Fifteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.16993 of 2015

1 ASHRAF ALI
2 KAMAL MOHAMED
3 SHEIK ABDULLAH
4 FATHIMA
5 JAFFAR ALI ASATH @ ASATH ALI
6 PARVEEN BANU

... PETITIONERS/ACCUSED 1-6

Vs

STATE THROUGH
THE INSPECTOR OF POLICE
KOTTAI ALL WOMEN POLICE STATION,
TRICHY,
TRICHY DISTRICT.
CRIME NO. 12/2015

... RESPONDENT/COMPLAINANT

For Petitioner : M/S A.HAJA MOHIDEEN Advocate

For Respondent : MR.K.ANBARASAN, Government Advocate (Crl. Side)

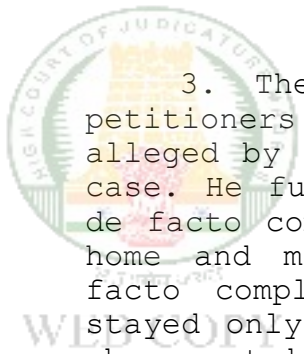
For Intervenor : Mr.VELAN, Advocate for AJMAL ASSOCIATES.

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 6, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 294(b), 506(ii) of IPC and r/w. 4 of Dowry Prohibition Act in Crime No.12 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the first petitioner and the de facto complainant got married on 04.07.2013 and at the time of marriage, the parents of the de facto complainant gave 101 sovereigns of gold jewels to the de facto complainant and Rs.3,00,000/- as dowry and spent Rs.15,00,000/- for marriage. The first petitioner was aged about 35 years, but, the petitioners informed the de facto complainant that he is only 25 years. Further, the first petitioner agreed to live with the de facto complainant at her parents house at Trichy. Contrary to the same, the first petitioner took her to his residence at Mannadi, Chennai and lived together in joint family. The petitioners ill treated the de facto complainant and took all the 101 sovereigns of gold jewels and tortured her demanding more dowry. When the de facto complainant's father visited to see her daughter, the petitioners abused the de facto complainant and her father and the de facto complainant was thrown out of her parents home in the pregnant stage and she was delivered a child, but, the petitioners did not see the child. Hence, a case has been registered against the petitioners.



3. The learned counsel for the petitioners submitted that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that on the instigation of the father of the de facto complainant only, the de facto complainant left the matrimonial home and mis-understanding arose between the first petitioner and de facto complainant. He further contended that the defacto complainant stayed only for 20 days in the matrimonial home and at that time also, she spent her time in the house of her aunt, who is residing near the petitioners' house. Further, when the first petitioner went to the de facto complainant's house for first Ramzan, they ill treated him. It is further contended that the petitioners tried to compromise, by giving petitions to Jamath, but, the de facto complainant did not co-operate and did not agree for re-union. In the circumstances, the first petitioner divorced the de facto complainant as per the Muslim Law and filed a petition in CrI.O.P(MD).No.15232 of 2015, before this Court, to quash the First Information Report and the same is pending.

4. The learned Government (CrI. Side) submitted that the petition filed by the petitioners in CrI.O.P(MD).No.15232 of 2015 for a direction to quash the First Information Report, is also pending. He further submitted that the custodial interrogation of the petitioners are necessary.

5. Considering the facts and circumstances of the case and also the fact that the petitioners have filed CrI.O.P(MD).No.15272 of 2015 to quash the FIR before this Court and the same is pending, this Court is inclined to grant anticipatory bail to the petitioners 2 to 6, with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate-II, Trichy, and on each of them executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners shall appear before the respondent police daily at 10.00 am until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

6. Considering the charges levelled against the first petitioner, the Criminal Original petition is dismissed against the first petitioner / Ashraf Ali.

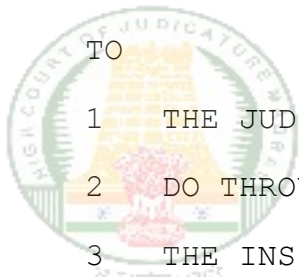
7. The petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

16/12/2015

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TRICHY.

3 THE INSPECTOR OF POLICE, KOTTAI ALL WOMEN POLICE STATION,
TRICHY, TRICHY DISTRICT.

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

+1. CC to M/S A.HAJA MOHIDEEN Advocate SR.No.72520

ORDER

IN

CRL OP(MD) No.16993 of 2015

Date :16/12/2015

TRP

CSL/GSV-AN/SAR-I/22.12.2015

3P/6C