



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

Friday, the Sixth day of February Two Thousand Fifteen

PRESENT

The Hon'ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.17461 of 2014

1 SYED ABDUL HAQ
2 FATHIMA

... PETITIONERS/ACCUSED 1 & 7

Vs

THE STATE REP BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI DIST, CR.NO.9/2014

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. C. MUTHUSARAVANAN Advocate

For Respondent : Mr.A.P.Balasurbramani Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.9 of 2014, on the file of the respondent police for offences under Sections 498(A), 494 and 506(ii) of the Indian Penal Code, the petitioners are now before this Court seeking Anticipatory Bail.

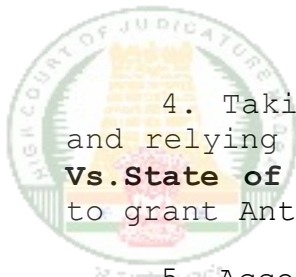
2.On 03.02.2015, this Court has passed the following order:

"Earlier this case was referred to the Mediation and Conciliation Centre and the Mediation Centre has sent a failure report dated 19.01.2015.

2.It is the case of the de-facto complainant that she got married to the first petitioner and through the wedlock, they have two children. It is alleged by the de-facto complainant that after the wedding, the first petitioner and his family members were frequently demanding dowry from her and had even threatened to immolate her. Fearing her life, she has gone to her parents house for safety with the two children. The de-facto complainant further stated that she came to know thast the first petitioner had married one Fathima, the 2nd petitioner herein.

3.Mr.C.Muthusaravanan, learned counsel for the petitioner, submits that Fathima is the niece of the first petitioner and that he has not married her. If that is so, Fathima is directed to be present before this Court and file an affidavit preferably in Tamil stating that she has not married the first petitioner. Adjourned by 06.02.2015. On that date, the police should be present before this Court."

3. In compliance of the order of this Court, today, Fathima, the 2nd petitioner is present. She has filed an affidavit stating that she has not married Abdullah, the first petitioner and that the allegations against her is false.



4. Taking into consideration the facts and circumstances of the case and relying upon the Judgment of the Hon'ble Supreme Court in **Arnesh Kumar Vs.State of Bihar** reported in **2014 (8) Scale 250**, this Court is inclined to grant Anticipatory Bail to the petitioners, but with 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 (15) days** from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District, on executing a separate 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 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] the first petitioner shall report before the respondent police every day at 10.30 a.m. for a period of two weeks and thereafter as and when required for interrogation. The 2nd petitioner shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

[e] The Inspector of Police concerned, is directed to send compliance report to the office of the learned Government Advocate (Crl. Side) as to whether the petitioner is complying with the condition or not.

sd/-
06/02/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO
1 THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM
2 -DO-THRO'THE CHIEF JUDICIAL MAGISTRATE THENI DISTRICT
3 THE INSPECTOR OF POLICE ALL WOMEN POLICE STATION, UTHAMAPALAYAM,
THENI DIST,
4 THE ADDL.PUBLIC PROSECUTOR MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
+1. CC to M/S. C. MUTHUSARAVANAN Advocate SR.No.5556.

TS/10.02.2015/2P-6C