



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

Tuesday, the Third day of February Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.1782 of 2015

1 KHAN MOHAMED
2 RAMEEZA
3 SIRAJUDEEN
4 BARAKKATH,

... PETITIONERS/ACCUSED NO.2 TO 5

Vs

THE INSPECTOR OF POLICE
THIRUMAYAM ALL WOMEN POLICE STATION,
THIRUMAYAM, PUDUKKOTTAI DISTRICT
(IN CR.NO.5/2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.P.GUNASEKARAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, 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.5 of 2014, on the file of the respondent police for offences under Sections 498(A) and 406 of the Indian Penal Code, the petitioners are now before this Court seeking Anticipatory Bail.

2. It is the case of the prosecution that Habibullah (A1) married the de-facto complainant on 15.01.2009 and they have no issues. It is stated that Habibullah is in Saudi Arabia. On the complaint lodged by the de-facto complainant, a case in Crime No.15 2012 was registered against Habibullah and these petitioners are the relatives of Habibullah.

3. The learned Additional Public Prosecutor would submit that investigation has been completed in this case and final report has been filed and the same has been taken on file as C.C.No.17 of 2014 on the file of the Judicial Magistrate, Thirumayam. Under such circumstances, 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.

4. 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, Thirumayam, 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,

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[a] the petitioners shall report before the respondent police as and when required for interrogation.



[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 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].

sd/-
03/02/2015

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

TO

1. THE JUDICIAL MAGISTRATE, THIRUMAYAM.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI.
3. THE INSPECTOR OF POLICE
THIRUMAYAM ALL WOMEN POLICE STATION,
THIRUMAYAM, PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.P.GUNASEKARAN Advocate SR.No. 4917

SR : 06.02.2015 : 2P/6C

ORDER
IN
CRL OP(MD) No.1782 of 2015
Date :03/02/2015