



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

Thursday, the Fifth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) Nos.21482 & 22714 of 2014

1 S.MOHAMED YUSUF
2 K.SHAHUL HAMEED
3 SYED MEERA
4 FATHIMA FAMILA
5 S.SATHILA

... PETITIONERS/ACCUSED (RANKS NOT KNOWN)
IN CRL.OP(MD)NO.21482/2014

1. BOUSIYA
2. MUNAVARA
3. BENASIR
4. FERROZ @ FERROZ AHAMED
5. JAFFAR

... PETITIONERS/ACCUSED NO.6 TO 10
IN CRL.OP(MD)NO.22714/2014

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION SOUTH, MADURAI CITY.
CRIME NO.NOT KNOWN OF 2014

... RESPONDENT/COMPLAINANT
IN CRL.OP(MD)NO.21482/2014

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION- TOWN,
MADURAI CITY.
CRIME NO.NOT KNOWN OF 2014

... RESPONDENT/COMPLAINANT
IN CRL.OP(MD)NO.22714/2014

FOR PETITIONER : M/S.S.KANAGARAJ ADVOCATE IN BOTH PETITIONS

FOR RESPONDENT : MR.A.P.BALASUBRAMANIAN, GOVT. ADVOCATE (CRL. SIDE)
IN BOTH PETITIONS

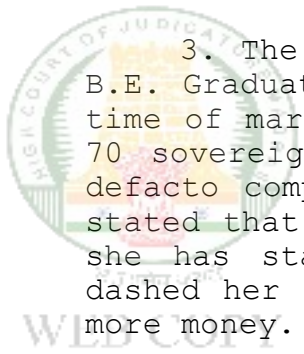
FOR INTERVENOR : MR.S.M.A.JINNAH, ADVOCATE IN BOTH PETITIONS

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498-A, 406, 294 (b) and 506(i) IPC and Section 4 of Women Harassment Act in Crime No.18 of 2014 on the file of the respondent police, seek anticipatory bail.

<https://hcservices.courts.gov.in/hcservices> The learned counsel for the petitioners and the learned Government Advocate (Crl.Side) appearing for the State.



3. The case of the prosecution is that the defacto complainant is a B.E. Graduate and got married to Mohamed Yusuf (A1) on 04.11.2012. At the time of marriage, the parents of the defacto complainant had given about 70 sovereigns of gold jewels and a sum of Rs.2,00,000/- as dowry. The defacto complainant came and lived in the house of Mohamed Yusuf. It is stated that she was subjected to untold cruelty inasmuch as in the FIR., she has stated that Fathima Famila (A4) caught hold of her hair and dashed her on the wall and caused injuries and the accused also demanded more money.

4. The learned counsel for the petitioners submitted that Mohamed Yusuf has pronounced Talaq on 10.09.2014 and a case in O.S.No.51 of 2014 has been filed by Mohamed Yusuf before the Subordinate Court, Madurai for the declaration that the marriage has been dissolved.

5. It is seen that the defacto complainant has waited all along and ultimately she has lodged a complaint on 04.11.2014 and after preliminary enquiry, a case has been registered on 02.12.2014. The allegations are indeed very serious nature inasmuch as the gold jewellery and the cash are with the petitioners. In view of the serious nature of allegations against the petitioners 1, 3 and 4 in CrI.O.P.(MD) No.21482 of 2014, this Court is not inclined to grant anticipatory bail to them. As regards the petitioners 2 and 5 in CrI.O.P.(MD) No.21482 of 2014 are concerned, there is no serious allegation against them and hence, this Court is inclined to grant anticipatory bail to them.

6. Insofar as the petitioners in CrI.O.P.(MD) No.22714 of 2014 are concerned, they are only relatives of the husband of the defacto complainant and therefore, relying upon the judgment of the Supreme Court in Arnesh Kumar vs. State of Bihar and others, reported in 2014 (8) Scale 250, this Court is inclined to grant anticipatory bail to them.

7. Accordingly, the petitioners 2 and 5 in CrI.O.P.(MD) No.21482 of 2014 and the petitioners in CrI.O.P.(MD) No.22714 of 2014 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 No.1, Madurai, on condition that each of the petitioner shall execute 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 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 petitioners 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. The conditions laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560].



8. The Criminal Original Petition in CrI.O.P.(MD) No.21482 of 2014 is dismissed in respect of the petitioners 1, 3 and 4.

sd/-
05/03/2015

/ TRUE COPY /

WEB COPY

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

TO

1. THE JUDICIAL MAGISTRATE NO.I, MADURAI.
 2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
 3. THE INSPECTOR OF POLICE
ALL WOMEN OPOLICE STATION SOUTH, MADURAI CITY.
 4. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION-TOWN, MADURAI CITY.
 5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +2. CCS TO M/S.S.KANAGARAJ ADVOCATE SR.NOS.10942 & 10943
- SR : 09.03.2015 : 3P/8C

ORDER
IN
CRL OP(MD) Nos.21482 & 22714 of 2014
Date :05/03/2015