



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

Tuesday, the Tenth day of March Two Thousand Fifteen

PRESENT

THE HON`BLE MR JUSTICE P.N.PRAKASH

CRL OP(MD) No.2252 of 2015

1 ABDUL RAZAK
2 JAWAHAR NACHIYAR
3 MOHAMMED HUSSAIN

... PETITIONER/ACCUSED RANK NOT KNOWN

MUMTAJ @ JAINUL ARABIYA

... INTERVENOR

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THANJAVUR TOWN,
THANJAVUR DISTRICT,
(IN CR.NO.NOT KNOWN OF 2015)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S. P. GANAPATHI SUBRAMANIAN Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

For Intervenor : M/S.V.ACHUTHAN, Advocate

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 294(b), 498(A) of Indian Penal Code r/w Section 4 of Women Harassment Act, in Crime No.Not known of 2015 on the file of the respondent police, seek anticipatory bail.

2. Heard Mr.P.Ganapathi Subramanian, learned counsel for the petitioners, Mr.V.Achuthan, learned counsel for the intervenor and Mr.A.P.Balasubramanian, learned Government Advocate (Criminal side) for the respondent State.

3. This petition has been filed showing the crime number as not known.

4. The learned Government Advocate (Criminal side), on instructions from the police, submitted that the petition enquiry in C.S.R.No.19 of 2015 is pending before the respondent police. Therefore, on 10.02.2015, this Court granted interim anticipatory bail to the petitioners for a period of two weeks with a direction to the first petitioner to appear before the respondent police daily at 06.00 p.m., for investigation. Interim anticipatory bail was extended periodically, since it was represented by the learned counsel for the petitioners that the services counsel was ready and willing to hand over the ornaments and household articles to the defacto complainant that were given to her at the time of marriage.



5. Today, the police have filed a status report, in which, they have stated that the first petitioner has handed over 9 sovereigns of gold jewels and household articles worth about Rs.1,00,000/- to the *defacto* complainant and the same was also received by the *defacto* complainant on 09.03.2015.

6. The learned counsel for the *defacto* complainant submits that out of 16 sovereigns, only 9 sovereigns have been handed over and 7 sovereigns are still with the petitioners.

7. This is repudiated by the learned counsel for the petitioners by contending that they do not have any more jewellery of the *defacto* complainant.

8. Be that as it may, taking into consideration the allegations found in the petition 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 of the view that it is a fit case to grant anticipatory bail to the petitioners.

9. Accordingly, 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 No.1, Thanjavur, on condition that the petitioners shall execute 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 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 himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji vs. State of Kerala* [(2005)AIR SCW 5560].

10. In the event of the respondent police registering a regular case, this anticipatory bail will enure to the benefit of the petitioners and they need not have to file a fresh application for anticipatory bail.

sd/-
10/03/2015

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO.I,
THANJAVUR.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THANJAVUR TOWN,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC TO M/S. P. GANAPATHI SUBRAMANIAN ADVOCATE SR.NO. 11849
+1CC TO M/S.V.ACHUTHAN, ADVOCATE IN SR : 11555

SR : 12.03.2015 : 3P/7C

ORDER
IN
CRL OP(MD) No.2252 of 2015
Date :10/03/2015