



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.23962 & 23963 of 2015

RASHEEDKHAN

... PETITIONER/ACCUSED NO.1
in CRL OP(MD) No.23962 of 2015

1 YAHOOB ALIKHAN
2 USHA BEGUM

... PETITIONERS/ACCUSED NO.2 & 3
in CRL OP(MD) No.23963 of 2015

Vs

THE STATE
1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TIRUVERUMBUR,
TIRUCHIRAPALLI DISTRICT,
CRIME NO.13 OF 2015.

... RESPONDENT/COMPLAINANT IN
BOTH THE PETITIONS

2 FARQATH NISHA

... RESPONDENT/DE FACTO COMPLAINANT
BOTH THE PETITIONS

For Petitioner : M/S N.SUDHAGAR NAGARAJ Advocate in both the petition.

For R1 Respondent : MR.K.ANBARASAN, Govt. Advocate (Crl. Side)
in both the petitions

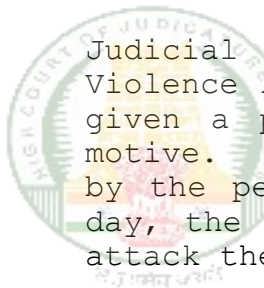
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 323 and 506(ii) of IPC r/w. Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.13 of 2015 on the file of the respondent police and hence, seek anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and the de facto complainant was solemnised on 10.09.2004. From the date of marriage, the petitioners harassed the de facto complainant, by demanding more dowry and also attacked the de facto complainant and threatened with dire consequences. Hence, a case has been registered against the petitioners.

3. The learned counsel appearing for the petitioners submitted that on 04.11.2015, the de facto complainant gave a false complaint against the petitioners and on the complaint, the respondent police enquired the petitioners and found that there is a false complaint and closed the same. Subsequently, she filed M.C.No.101 of 2015, on the file learned



Judicial Magistrate-Cum-Additional Mahila Court, Trichy under Domestic Violence Act. In such circumstances, again the de facto complainant has given a present complaint, for the very same reason with an ulterior motive. He further contended that the de facto complainant was attacked by the petitioners and others on 09.11.2015 is not correct and on that day, the first accused was in Ramanathapuram and the petitioners did not attack the defacto complainant.

4. The learned Government (Crl. Side) vehemently opposed to grant anticipatory bail to the petitioners and he has submitted that the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the fact that M.C.No.101 of 2015 filed by the de facto complainant is pending, this Court is inclined to grant anticipatory bail to the petitioners 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-Cum-Additional Mahila Court, Tiruchy, 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 A1 / Rasheedkhan (petitioner in Crl.O.P(MD). No.23962 of 2015) shall appear before the respondent police daily at 10.00 am until further orders and the petitioners / A2 and A3 in Crl.O.P (MD).No.23963 of 2015 shall appear before the respondent Police as and when required for interrogation. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

6. The petitioners 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

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE CUM ADDITIONAL MAHILA COURT, TRICHY.
- 2 THE CHIEF JUDICIAL MAGISTRATE, TRICHY DISTRICT.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, TIRUVERUMBUR, TIRUCHIRAPALLI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2. CC to M/S N.SUDHAGAR NAGARAJ Advocate SR.No. 72156&72157
CSL/GSV-AN/SAR-I/22.12.2015/2p/7c

ORDER

IN

CRL OP (MD) No.23962 &23963 of 2015
Date :16/12/2015