



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

Wednesday, the Eleventh day of March Two Thousand Fifteen

PRESENT

WEB COPY

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.3341 of 2015

1 BAIROJA
2 ABDULLAH BEEVI
3 ABDUL KANI @ VELLAIYA
4 MARZINA

... PETITIONERS/ACCUSED 2 TO 5

Vs

STATE REP BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MELUR,
MADURAI DIST, CR.NO.22/2015 ... RESPONDENT/COMPLAINANT

For Petitioner : M/S.K.MOHAMED EIRSATH Advocate
For Respondent : MR.A.P.BALASUBRAMANI 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.22 of 2015, on the file of the respondent police for offences under Sections 498A, 406 of the Indian Penal Code and Section 4 of Tamilnadu Prevention of Women Harassment Act, the petitioners are now before this Court seeking Anticipatory Bail.

2.Heard the learned counsel for the petitioners and the learned Government Advocate.

3.On 25.02.2015, this Court passed the following order:

"3. It is the case of the prosecution that the *defacto* complainant got married to Jahir Hussain (A-1) on 26.09.2012. At the time of marriage, the family of the *defacto* complainant had given 18 ½ sovereigns of gold and other household articles. It appears that the Panchayat was held in the Jamath, in which, the petitioners have agreed to return the jewellery and other articles of the *defacto* complainant and thereafter, they did not return.

4. The learned counsel for the petitioners submits that Jahir Hussain is in Malaysia and the second petitioner is the mother of Jahir Hussain and the petitioners 2 to 4 are the sisters of Jahir Hussain.

5. Taking into consideration the nature of the



allegations found in the complaint, this Court is inclined to grant interim anticipatory bail to the petitioners for a period of two weeks. Accordingly, in the event of arrest, the petitioners are ordered to be released on interim anticipatory bail till 11.03.2015, on each of them executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) without sureties to the satisfaction of the Arresting Officer."

4.Today, the respondent police is present. The learned Government Advocate (Crl. Side), on instructions from the respondent police, submitted that the petitioners have returned 6½ sovereigns to the de-facto complainant on 06.03.2015 in the presence of the police officers. The de-facto complainant wants to re-unite with her husband, who is in Malaysia. Taking into consideration the fact that these petitioners are relatives of the husband of the de-facto complainant, 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 this is a fit case for grant of anticipatory bail, 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 days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, 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 petitioners shall appear 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].

sd/-

11/03/2015

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



TO

1 THE JUDICIAL MAGISTRATE, MELUR, MADURAI

2 THE CHIEF JUDICIAL MAGISTRATE, MADURAI

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MELUR, MADURAI

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.MOHAMED EIRSATH Advocate SR.No.11742

ORDER

IN

CRL OP (MD) No.3341 of 2015

Date :11/03/2015

AA/12.03.2015/3p- 6c/