



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

Wednesday, the Nineteenth day of August Two Thousand Fifteen
PRESENT

THE HON`BLE MR JUSTICE K.KALYANASUNDARAM

CRL OP(MD) No.9162 of 2015

WEB COPY

1 A.M.ABDUL RAHIM

2 A.KASIMUNNISHA

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

STATE THROUGH THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TRICHY CANTONMENT,
TRICHY, IN CRIME NO.27/ 2015.

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S.R.ANAND Advocate

For Respondent : MS.S.PRABHA Govt. Advocate (Crl. Side)

For Intervenor : Mr.A.Thiruvadi kumar, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused in Crime No.27 of 2015 on the file of the respondent police apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498 (A) and 406 I.P.C. and hence, seek anticipatory bail.

2.According to the defacto complainant, she married the first accused on 28.05.2007 and at the time she was provided with 75 sovereigns of gold jewels and cash of Rs.1 lakh as dowry and after the marriage both the defacto complainant and her husband were working in Dubai, where she was physically assaulted by her husband. When this was informed to her in-laws, they did not take any action and they also joined with her husband and harassed the defacto complainant.

3.The learned counsel for the petitioners submitted that when the first accused and the defacto complainant were residing at Dubai between 2007-2015, the defacto complainant had developed intimacy with an another boy and their close relationship were recorded in her cell phone and after knowing the affairs, the defacto complainant was sent back to India. He would further submit that the first accused had sent a Talaq notice to the defacto complainant on 05.05.2015 for which the defacto complainant has given a detail reply and 1 ½ months thereafter, she has made the present complaint on 16.06.2015. He would further submit that the child of the defacto complainant is in the custody of the first accused at Dubai. Knowing the facts, the defacto complainant has moved H.C.P.(MD)No.863 of 2015 and the same was dismissed on 10.08.2015. He would further submit that the petitioners are senior citizen aged about 70 and 61 respectively and they have been falsely implicated in this case with an ulterior motive.

<https://hcservices.court.gov.in/hcservices> The learned counsel for the intervenor vehemently opposed for granting anticipatory bail to the petitioners contending that the entire jewels of the defacto complainant and the dowry amount of Rs.1,00,000/-

is withheld by the accused Nos.2 and 3 and they have not shown their interest to return the jewels before the Mediation and Conciliation Centre. He would further submit that originally, the female child was in the custody of father at Dubai and she was brought back to India and she was in the custody of her in-laws and the mother-in-law of the defacto complainant had filed a suit for custody of the minor child and after the defacto complainant filed the HCP, the husband has taken custody of the child to Dubai only on the ground that the HCP was dismissed and not on the ground that the defacto complainant had some intimacy with another person as alleged by the accused.

5. Heard the learned Government Advocate (Crl.Side).

6. Considering the facts and circumstances of the case, 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 No.II, Trichy 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 the petitioners shall appear before the respondent police as and when required. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

7. 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/-
19/08/2015

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, TRICHY
2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE, TRICHY
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, TRICHY CANTONMENT, TRICHY,
- 4 THE ADDL. PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.ARAVIND RAJ Advocate SR.No.47941
+1c to MR.A.Thiruvadi Kumar Advocate Sr.No 47973

ORDER
IN
CRL OP(MD) No.9162 of 2015
Date :19/08/2015

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