



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

Tuesday, the Second day of August Two Thousand Sixteen

PRESENT

The Hon`ble Ms.Justice V.M.VELUMANI

CRL OP(MD) No.13504 of 2016

BEER MOHAMMED JAILANI

... PETITIONER/ACCUSED No.1

Vs

STATE REP. BY THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM, THENI DISTRICT,
CR No.9 OF 2016.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S J.LAWRANCE Advocate

For Respondent : Mr.P.KANNITHEVAN, Government Advocate (Crl. Side)

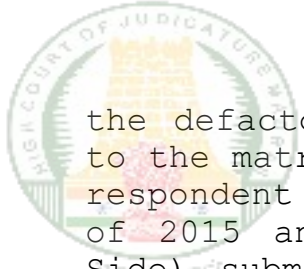
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for an alleged offence punishable under Sections 294(b), 498(A) and 506(ii) of IPC and Sections 3 and 4 of Dowry Prohibition Act and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998 in Crime No.9 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner along with other accused tortured the defacto complainant both mentally and physically by demanding additional dowry and on complaint, a case has been registered against the petitioner.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case. He further submitted that the marriage between the petitioner and the defacto complainant was solemnized on 15.05.2014 and they were living together in the matrimonial home. Thereafter, due to the dispute, the defacto complainant insisted the petitioner to have a separate house and leave his parents. The defacto complainant left the matrimonial home and is staying in her parents house. He further submitted that family members and relatives of both families have taken steps to mediate between the petitioner and



the defacto complainant, but, the defacto complainant did not come to the matrimonial home and she has preferred a complaint before the respondent police and the petitioner has filed CrI.O.P(MD).No.11542 of 2015 and at that time, the learned Government Advocate (CrI. Side) submitted that petition enquiry has been conducted and the same was closed. Thereafter, the petitioner filed O.S.No.273 of 2015 before the District Munsif Court, Uthamapalayam, to declare the marriage as null and void in view of the pronouncement of Triple Talaq and the defacto complainant has also entered appearance through her counsel. While so, the defacto complainant has given the present complaint.

4. The learned Government Advocate (CrI. Side) submitted that the investigation of the case is pending.

5. Considering the facts and circumstances of the case and also considering the pendency of the O.S.No.273 of 2015, before the District Munsif Court, Uthamapalayam, I am inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Uthamapalayam, Theni District and on condition that 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 petitioner shall report before the respondent police daily at 10.00 am until further orders.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner 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 petitioner 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].

6.The Inspector of Police concerned is directed to send a compliance report to the office of the learned Government Advocate, as to whether the petitioner is complying with the condition or not.

sd/-

02/08/2016

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE
UTHAMAPALAYAM, THENI DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
THENI DISTRICT

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, UTHAMAPALAYAM, THENI DISTRICT,

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

+1. CC to M/S J.LAWRANCE Advocate SR.No.41358

ORDER

IN

CRL OP(MD) No.13504 of 2016

Date :02/08/2016

trp

SH/ARK-PV/SAR-III:11.08.2016:3P/6C