



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

Tuesday, the Ninth day of August Two Thousand Sixteen

PRESENT

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

CRL OP(MD) No.14181 of 2016

1 ABDULAJISH @ NAZEER
2 RAHUMAD NISHA
3 SYED MUHAMED
4 JEENATHBARJANA
5 HAKKEEMRAJA
6 JAMEEMFATHIMA
7 HAROONRASEETHU
8 MEHARAJBEGAM

... PETITIONERS/ ACCUSED NO.1 TO 8

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
(CRIME NO. 14 OF 2016)

... RESPONDENT/ COMPLAINANT

For Petitioner : M/S S.RAMASAMY Advocate

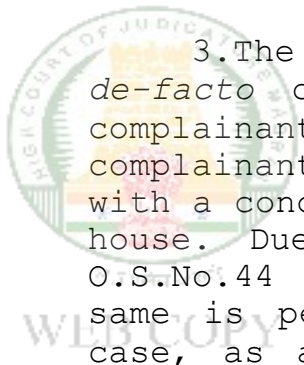
For Respondent : MR.P.KANNITHEVAN Govt. Advocate (Crl. Side)

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 8, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) IPC and Section 4 of Dowry Prohibition Act, in Crime No.14 of 2016, on the file of the respondent police and hence, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the *de-facto* complainant and A1 was solemnized in the year 2014, as per Muslim rites and customs. At the time of marriage, the *de-facto* complainant's parents gave 50 sovereigns of gold jewels to the *de-facto* complainant. After the marriage, the accused persons harassed the *de-facto* complainant demanding additional dowry and threatened her that if she fails to bring additional dowry, they will arrange second marriage to the first petitioner. On complaint case has been registered for the above said offences.



3.The case of the petitioners is that the marriage between the *de-facto* complainant and the first petitioner, is the *de-facto* complainant's third marriage. After the marriage the *de-facto* complainant tortured the first petitioner for separate residence with a condition that his family members not to visit their separate house. Due to that, the petitioner has filed a Civil Suit in O.S.No.44 of 2016 on 05.03.2016 for dissolution of marriage. The same is pending adjudication and after receiving summon in that case, as a counter blast, the *de-facto* complainant has lodged a false complaint against the petitioners. The petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. They have been falsely implicated in this case.

4.The learned Government Advocate (Criminal side) submitted that the marriage between the *de-facto* complainant and A1 was solemnized in the year 2014, as per as per Muslim rites and customs. At the time of marriage, the *de-facto* complainant's parents gave 50 sovereigns of gold jewels. After the marriage, the accused persons tortured the *de-facto* complainant demanding additional dowry and threatened her that if she fails to bring additional dowry, they will arrange second marriage to the first petitioner. On complaint case has been registered for the offences stated above.

5.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, they 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.II, Virudhunagar, on condition that each of the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners 1, 3, 5 and 7 shall report before the respondent Police daily at 10.30 a.m. until further orders and the other petitioners shall report before the respondent Police as and when required for interrogation.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) 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]**.



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 petitioners are complying with the conditions or not.

WEB COPY

/ TRUE COPY /

sd/-
09/08/2016

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

PJL
TO

- 1 THE JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR AT SRIVILLIPUTHUR
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S S.RAMASAMY Advocate SR.No.43041

GJM/NGM/MP/SAR-III-12.8.16-3P-6C

ORDER
IN
CRL OP(MD) No.14181 of 2016
Date :09/08/2016