

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty Eighth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr Justice R.PONGIAPPAN

CRIMINAL ORIGINAL PETITION No.29679 of 2017

1 MUHAMED AFROZE [PETITIONERS/ ACCISED]
2 NIZAMULLAH
3 MOHAMMED SIDDIQUE
4 MOHAMMED JAVED

Vs

STATE REP. BY, [RESPONDENT]
INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
VELLORE DISTRICT.
[CRIME NO.530/2017]

For Petitioner : M/S.M.PREMKUMAR Advocate

For Respondent : PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

Heard both sides.

2. The petitioners are arrayed as accused A1 to A4 in Crime No.530 of 2017 on the file of the respondent police. They were apprehended arrest at the hands of the respondent police for the alleged offences Under Section 294(b), 498 and 506 (i) IPC and they have filed this petition seeking grant of anticipatory bail.

3. The case of the prosecution is that the first petitioner and the defacto complainant are the husband and wife. It is alleged that the first petitioner quarrelled with the defacto complainant and sent her out of the matrimonial house and he also got second marriage. When the same was questioned by the defacto complainant, the petitioner along with the second petitioner, who is the brother-in-law of the first petitioner, scolded her in filthy language and also threatened her. It is also alleged that the petitioners 3 and 4 are the Muthavallis at whose instigation, the first petitioner got second marriage.

4. The learned counsel appearing for the petitioners submitted that the petitioners has been falsely implicated in this case. He has not committed any offence as alleged in the complaint and he is

no way connected with the offences and pleads for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate submitted that on the complaint given by the defacto complainant, FIR in Crime No. 530 of 2017 has been registered on 17.12.2017 and the investigation is going on.

6. Considering the submissions made by either side, it appears that the marriage between the defacto complainant and the first accused solemnised in the year 2003. Thereafter both of them were blessed with a female child. After thirteen years from the date of their marriage the defacto complainant made an allegation against the petitioners as the first petitioner solemnised second marriage with the help of one Muthuvalli. Even though, the defacto complainant has not specifically stated the date and time of the second marriage, it is necessary for the investigation officer to verify whether the second marriage has taken place or not, for which custodial interrogation of the petitioners is necessary. So considering the manner of offence committed by the petitioners which requires custodial interrogation this Court is not inclined to entertain this petition.

7. Accordingly this criminal original petition stands dismissed.

-sd/-
28/12/2017

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE INSPECTOR OF POLICE,
VANIYAMBADI TOWN POLICE STATION,
VELLORE DISTRICT.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.M.PREMKUMAR Advocate on payment of necessary charges SR NO.23447

CRL OP.29679/2017

Date :28/12/2017

MK:29/12/2017