



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

Monday, the Ninth day of October Two Thousand Seventeen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.13514 of 2017

1 A.THAMEEMUL ANSARI
2 UMSALAMMA
3 A.RAHMADULLAH
4 JAMILA BANU

... PETITIONERS/ACCUSED No.1to4

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
BODINAICKANUR, THENI DISTRICT
CR.NO.NOT KNOWN OF 2017

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.S.A.AJMALKHAN Advocate

For Respondent : Mr.K.ANBARASAN, Government Advocate (Crl.side)

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

ORDER : The Court Made the following order :-

The petitioners / accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Section 498(A) and 506(i) of IPC., and Section 4 of Dowry Prohibition Act, in Crime No.Not Known of 2017, on the file of the respondent police seek anticipatory bail.

2. The case of the prosecution is that the first petitioner married the defacto complainant on 22.05.2014 at Bodinaickanur. After the marriage, the defacto complainant and the first petitioner lead a life in the first petitioner's house at Periyakulam. After some times, there was some misunderstanding between the first petitioner and the defacto complainant. The defacto complainant went to her parents' home and she had given a child on 20.12.2016. The defacto complainant did not inform the birth of the first petitioner's child. Then the petitioner's family members went to the defacto complainant Jamath and informed about the above facts. But the defacto complainant did not want to live with the first petitioner. The first petitioner gave the defacto complainant's jewels and house hold articles to her relative namely one sabi at Bodir. The defacto complainant received all things. But she did not return back to the matrimonial home. Then the first petitioner sent



a divorce notice to the defacto complainant on 17.07.2017. In the meanwhile, a case has been registered against the petitioners by the defacto complainant. Aggrieved by the same, the petitioners filed this criminal original petition.

3. The case of the petitioner is that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. According to the petitioners, being adamant in nature, the defacto complainant made frivolous allegations against the petitioners and lodged a false complaint. The defacto complainant's family members trespassed the petitioner's house and threatened, hence the second petitioner filed a complaint against 3 persons before the AWPS, Theni in CSR.No.403 of 2017. Already the petitioners filed an anticipatory bail applications in Cr.M.P.No.3090 of 2017 before the Principal Sessions Judge, Theni and the same was closed only that the enquiry is pending on 20.09.2017 as no case has been registered.

4. The learned Government Advocate (Criminal side) appearing for the State, on instructions, would submit that based on the direction of the Hon'ble Supreme Court and as per the direction of this Court, each and every District has formed a District Level Committee in order to settle the issues related to Section 498(A) of IPC cases. Accordingly, the case was referred to the District Level Committee for proper decision. Hence, this anticipatory bail petition is pre-matured one.

5. Recording the statement made by the learned Government Advocate (Crl. Side), this Criminal Original Petition is closed as pre-matured. However, if any adverse order passed by the District Level Committee, it is open to the petitioners to work out the remedy in the manner known to law.

sd/-

09/10/2017

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

TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, BODINAICKANUR, THENI DISTRICT
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

ORDER IN
CRL OP(MD) No.13514 of 2017
Date :09/10/2017