



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

Monday, the Eleventh day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.17017 of 2017

1 SYED MUSTHAFA
2 AMEENA BEEVI

... PETITIONER / ACCUSED
RANK NOT KNOWN

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT
(CRIME NO. NOT KNOWN OF 2017) ... RESPONDENT / COMPLAINANT

For Petitioners : M/S.C.JEYAPRAKASH Advocate

For Respondent : MR.K.ANBARASAN Government Advocate (Crl. Side)

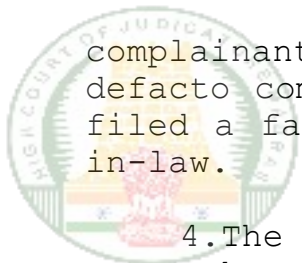
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498A and 506(ii) of I.P.C., and Section 4 of D.P. 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 is the husband and the second petitioner is the mother-in-law of the defacto complainant. Admittedly, the first petitioner and the defacto complainant were divorcee. The marriage between the first petitioner and the defacto complainant was solemnized in the year 22.02.2015, at the time of marriage, the first petitioner and other accused person collected several things and huge amount from the defacto complainant and thereafter, the petitioner and other accused person harassed the defacto complainant for demanding additional dowry and instigated the third party to insist her as a physically challenged, thereby the defacto complainant gave a complaint before the respondent police.

3.The learned counsel for the petitioners submitted that they did not commit any offence as alleged by the prosecution. In fact, the first petitioner already issued a legal notice to the defacto



complainant for claiming restitution of conjugal rights. Since the defacto complainant is ready to live with the first petitioner, she filed a false complaint as against the petitioner and her mother-in-law.

4. The learned Government Advocate (Crl.side) appearing for the respondent submitted that the first petitioner has not interested to live with the defacto complainant, for the purpose of creating records, he issued a legal notice as if the first petitioner is ready to live with the defacto complainant.

5. Since, there is a allegation against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence this petition is dismissed as against the first petitioner.

6. Considering the facts and circumstances of the case and also considering the submission made by the learned Government Advocate (Crl.side), I am inclined to grant anticipatory bail to the second petitioner with certain conditions. 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, Karaikudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 second petitioner shall report before the respondent police as and when required ;

(ii) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(iii) the petitioner shall not commit any offence while on bail;

(iv) the petitioner shall not abscond either during investigation or trial;

(v) 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 and the bail granted stands cancelled automatically.

sd/-
11/12/2017

/ TRUE COPY /



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TO

1 THE JUDICIAL MAGISTRATE, KARAIKUDI

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
SIVAGANGAI DISTRICT

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, KARAIKUDI,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.C.JEYAPRAKASH Advocate SR.No.35978

GJM/CM/SAR-I-15.12.2017-3P-6C

ORDER

IN

CRL OP(MD) No.17017 of 2017

Date :11/12/2017