



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

Wednesday, the Sixteenth day of August Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice A.M.BASHEER AHAMED

CRL OP(MD) No.7060 of 2017

1 AAMIR NAVEED,
2 PARVEEN AKHTAR,
3 KAHKASHAN NAIYER,

... PETITIONERS / A1,A2 and A3

Vs

State rep.by
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, DINDIGUL.
(CR.NO.16/2016)

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.M.SHAKUL HAMEED Advocate

For Respondent : Mr.A.Ramar, Additional Public Prosecutor

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

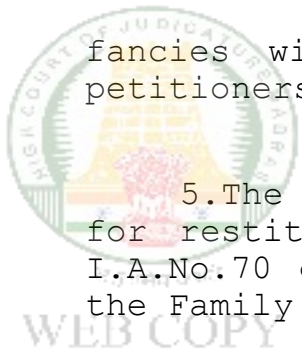
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offence punishable under Sections 294(b), 406, 420, 498-A, 506(ii) and Section 4 of Dowry Prohibition Act in Crime No.16 of 2016 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the first accused is the husband of the de facto complainant and the de facto complainant is the wife. The petitioners have demanded 15 sovereigns of gold and a sum of Rs.2 lakhs as additional dowry and also refused to hand over the jewels of the de facto complainant and her certificates.

3.The case is referred to mediation and mediation report also received, stating that since the de facto complainant continuously absent for all the hearing, mediation has not be conducted.

4.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case. He further submitted that the de facto complainant has suppressed her earlier marriage and got married with the 1st petitioner and after the marriage with A1, when the same came to light, the de facto complainant did not discharge her duties as a lawful wife and she left the matrimonial home on her whims and



fancies without any information to the 1st petitioner or other petitioners.

5.The de facto complainant filed a suit in O.S.No.30 of 2016 for restitution of conjugal rights and also filed a petition in I.A.No.70 of 2017 seeking return of jewels and certificates before the Family Court, Madurai.

6.The learned Additional Public Prosecutor appearing for the respondent Police on instruction would submit that totally there are 3 accused in this case, who are the petitioners herein and they are arrayed as A1 to A3 respectively. He further submitted that investigation is pending.

7.Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioners. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of 15 days from the date on which the order copy is made ready, before the learned Judicial Magistrate No.II, Dindigul on condition that 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a]the second petitioner shall report before the respondent Police as and when required. The 1st and 3rd petitioners shall report before the respondent Police daily at 10.30 a.m. until further orders.

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

[c]the petitioners 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 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)**.

sd/-
16/08/2017

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.II, DINDIGUL

2 -do-thro THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, DINDIGUL.

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

+1. CC to M/S.M.SHAKUL HAMEED Advocate SR.No.28814

ORDER

IN

CRL OP(MD) No.7060 of 2017

Date :16/08/2017

SM:RR-BS:SAR 1:22.8.2017:3P/6C