

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Twenty Fifth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.16144 of 2018

1 A.IRSATH

[PETITIONERS / ACCUSED]

2 PARVEEN BEGUM

3 A.AROON RASHITH

4 NASEEMA

5 A.IRBAN

Vs

THE STATE REP BY ITS,

[RESPONDENT]

THE SUB INSPECTOR OF POLICE,

W-13 ALL WOMEN POLICE STATION,

WASHERMENPET, CHENNAI

CR.NO.4 OF 2017.

For Petitioner : M/S.A.RAJA MOHAMED Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.4 of 2017 registered by the respondent police for the offence punishable under Section 498-A of IPC.

2. The case of the prosecution as per the de-facto complainant one Shayitha Begum is that the first petitioner got married to the defacto complainant on 21.11.2016 and within 15 days of marriage, the petitioners had started harassing her demanding dowry. The further allegation is that the fifth petitioner has caused sexual torture on the defacto complainant.

3. The learned counsel for the petitioners would submit that the marriage between the first petitioner and the defacto complainant took place on 21.11.2016 and that within 15 days of marriage, the defacto complainant created trouble in the matrimonial home and she has left the matrimonial home and that several steps have been taken by the petitioners for re-union, which ended in vain and that she has given a false complaint against them. He would submit that the complaint was given on 16.06.2017 and though the case was registered on the same day, the respondent conducted enquiry and found that the case of the defacto complainant was exaggerated and they did not

proceed further. However, since the case is pending the petitioners are seeking anticipatory bail.

4. The learned Additional Public Prosecutor would submit that the petitioners harassed the defacto complainant by demanding more dowry and that the fifth petitioner, who is the brother-in-law of the defacto complainant has caused sexual torture to her.

5. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners 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 III Metropolitan Magistrate, George Town, on condition that each of the petitioner 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 said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the petitioners 1 and 5 shall report before the respondent police daily at 10.30.a.m until further orders and the petitioners 2 to 4 shall report before the respondent daily at 10.30.a.m., for a period of one week and thereafter, as and when required for interrogation.

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

[d] the petitioners shall not abscond either during investigation or trial.

[e] 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
25/06/2018

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 METROPOLITAN MAGISTRATE,
NO.III,GEORGE TOWN,

2 THE CHIEF METROPOLITAN
MAGISTRATE,EGMORE[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE SUB INSPECTOR OF POLICE,
W-13 ALL WOMEN POLICE STATION,
WASHERMENPET,
CHENNAI

+1 CC to M/S.A.RAJA MOHAMED Advocate on payment of necessary charges SR.NO. 11565

CRL OP.16144/2018

Date :25/06/2018

RD 03/07/2018