

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Sixteenth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice N. ANAND VENKATESH

CRIMINAL ORIGINAL PETITION No.24716 of 2018

1 MOHAMED ZAIN US ZAMAN

[PETITIONERS / ACCUSED]

2 NADIRA NILOPHER

3 TAUFEEQ AHAMED

4 TANVEER AHAMED

Vs

STATE REP. BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ROYAPURAM, CHENNAI.
(CR.NO.04/2018)

For Petitioner : M/S.S.POORNACHANDRAN Advocate

For Respondent : M/S.KRITIKA KAMAL.P, 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 the arrest for the offences punishable under Sections 294(b), 506(i) and 498-A IPC in Crime No.4 of 2018 on the file of the respondent police, seek anticipatory bail.

2. Heard both sides.

3. The case of the prosecution is that there is matrimonial dispute between the petitioners and the *de facto* complainant. It is seen from the records that the *de facto* complainant has given various complaints against these petitioners. Earlier, the complaint was given against these petitioners before the Royapuram Police Station in Crime No.1069 of 2018. Thereafter, a complaint was given before the Villivakkam Police Station. Now, the present complaint has been again given before the Royapuram Police Station and the same has been registered as Crime No.4 of 2018.

4. The learned counsel for the petitioners submitted that the petitioners 1, 2 & 4 are the in-laws and the third petitioner is the husband of the *de facto* complainant. He would submit that they have not committed any such offence as alleged by the prosecution and that they were falsely implicated in this case.

5. Taking into consideration the nature of allegations against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

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 XV Metropolitan Magistrate, George Town, Chennai, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
16/10/2018

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.XI, GEORGE TOWN, CHENNAI.

2 THE CHEIF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ROYAPURAM, CHENNAI

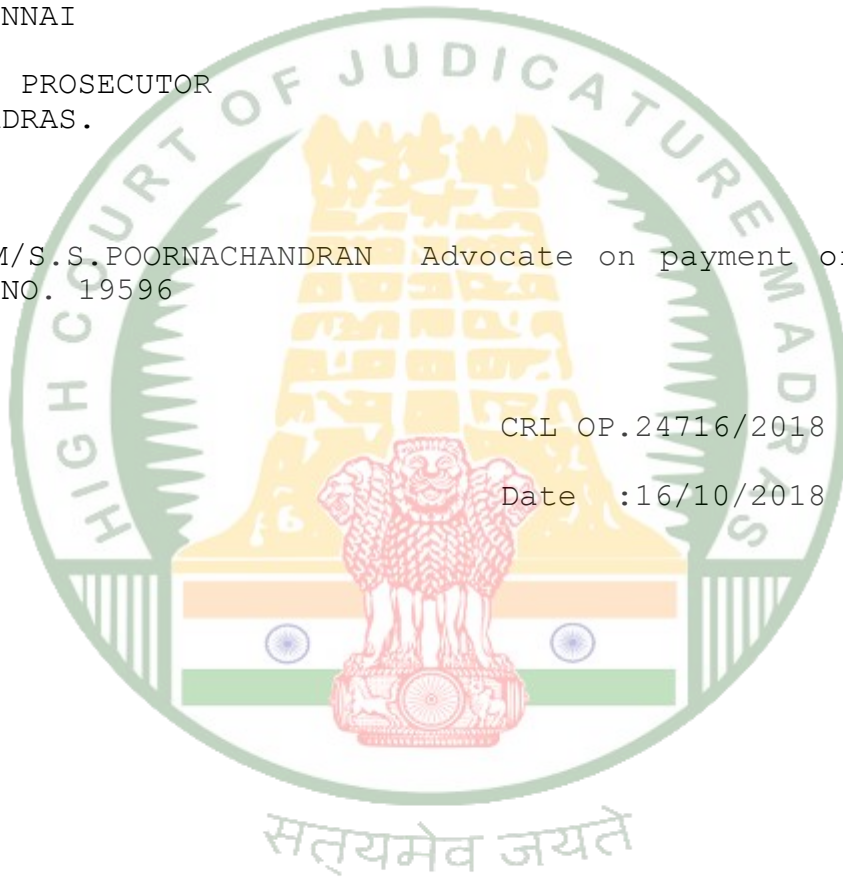
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.S.POORNACHANDRAN Advocate on payment of necessary
charges in SR.NO. 19596

CRL OP.24716/2018

Date :16/10/2018

MLT-17/10/2018



WEB COPY