



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

Wednesday, the Fourteenth day of February Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.2277 of 2018

GULAM @ SHAICK GULAM

MYDEEN MOHAMED FAROOK,

... PETITIONER/ACCUSED No.4

Vs

STATE REPRESENTED BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, KEELAKKARAI,

RAMANATHAPUAM DISTRICT

(CRIME NO.05 OF 2016)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.R.SENTHIL KUMAR Advocate

For Respondent : MR.A.ROBINSON, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner/accused No.4, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) of IPC., and Section 4 of Tamil Nadu Women Harassment Act, in Crime No.05 of 2016, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 04.09.2013 at Thoothukudi. A2 & A3 are mother-in-law and father-in-law of the defacto complainant and this petitioner/A4 is the husband of the first accused's sister. At the time of the marriage, the defacto complainant's parents gave 25 sovereigns of gold jewels as Sridhana. Thereafter, the first accused and his family members demanded a sum of Rs.2,00,000/- as additional dowry from the defacto complainant's parents and made harassment against the defacto complainant. Hence, the present case has been registered against the petitioner and other accused for the above said crime.

3. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He further submitted that the petitioner has been falsely implicated in this case and pleads for grant of anticipatory bail to the petitioner.



4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that the investigation is in progress. He further submitted that A1 to A3 in this case has already been granted anticipatory bail by this Court.

5. The submissions made by the learned counsels appearing for either side are considered. It is alleged that during the time of occurrence, the petitioner being the relative of the first accused made demand and harassment towards the defacto complainant for getting more dowry. The other accused in this case are all already granted with anticipatory bail by this Court. Admittedly, the petitioner herein is working in Bahrain, previously, he came to India only in the year 2015. Therefore, considering the facts and circumstances, custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the 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 on which the order copy is made ready, before the learned Judicial Magistrate No.I, Ramanathapuram, 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 petitioner shall report before the respondent police daily at 10.00 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

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

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

(iv) on breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the 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/-

14/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I, RAMANATHAPURAM

2 THE CHIEF JUDICIAL MAGISTRATE  
RAMANATHAPURAM DISTRICT3 THE INSPECTOR OF POLICE  
ALL WOMEN POLICE STATION, KEELAKKARAI,  
RAMANATHAPURAM DISTRICT4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI

+1. CC to M/S.R.SENTHIL KUMAR Advocate SR.No.2449

ORDER

IN

CRL OP (MD) No.2277 of 2018

Date :14/02/2018

SMA/RR-CSL/SAR-2/16.02.2018:3P/6c