



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

Monday, the Eighth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.235 of 2018

1 M.MOHAMMED RISWAN

2 SIKKANDARA AMMAL

... PETITIONERS/ ACCUSED NO.1 AND 2

Vs

STATE THROUGH
INSPECTOR OF POLICE
THALAIYUTHU POLICE STATION,
TIRUNELVELI DISTRICT.

(IN CRIME NO.297/2017)

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.C.M.ARUMUGAM Advocate

For Respondent : M/S.S.BHARATHI Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/A1 & A2, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294 (b), 323, 506(i) I.P.C., r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.297 of 2017, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the defacto complainant solemnized on 09.05.2016. The defacto complainant stayed with her mother's house for the purpose of first delivery. At that time, due to the family dispute, the first petitioner's relatives went to the house of the defacto complainant and quarreled with her. Thereafter, some of the persons came from the Jamath and demanded a sum of Rs.5,00,000/- from the defacto complainant for her husband, when the same was opposed by the defacto complainant, the above said persons abused with filthy language and assaulted the defacto complainant. Hence, the defacto complainant lodged a complaint against the petitioners before the respondent police.



3. The learned counsel appearing for the petitioners submitted the marriage between the first petitioner and the defacto complainant was solemnized on 09.05.2016. At the time of marriage, the first petitioner did not receive dowry instead as a Mahar, the first petitioner gave 16 grams of gold chain to the defacto complainant. All of a sudden, in the month of June 2016, without any valid cause and proper reason the defacto complainant often picked up quarrel and without any proper prior information left the matrimonial home and started to stay with her mother. Based on the misleading advice of her mother, she gave a false complaint before the respondent police. He further submitted that the petitioners are innocent persons. They have not committed any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.

4. The learned Government Advocate (Crl.Side) submitted that due to the family dispute, the defacto complainant lodged a complaint. He further submitted that investigation is at premature stage.

5. Considering the submissions made on either side, it discloses that the offence under Sections 294(b), 323, 506(i) I.P.C., r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.297 of 2017 has been registered against the petitioners. According to the prosecution of the case, the alleged offence was happened due to the family dispute between the petitioners and the defacto complainant. Considering the facts and circumstances of the case, custodial interrogation is not necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. Accordingly, they 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 Judicial Magistrate No.III, Tirunelveli, on condition that the petitioners 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 petitioners shall report before the respondent Police daily at 10.00 a.m. for a period of two weeks, thereafter, as and when required for interrogation.

(ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iii) the petitioners 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 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/-
08/01/2018

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

MSA/DSS
TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TIRUNELVELI
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
THALAIYUTHU POLICE STATION, TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.C.M.ARUMUGAM Advocate SR.No.41098

GJM/VC/SAR-2-11.1.18-3P-6C

ORDER
IN
CRL OP(MD) No.235 of 2018
Date :08/01/2018