



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

Wednesday, the Twenty First day of March Two Thousand Eighteen

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PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4454 of 2018

1 H. SHAHUL HAMEED
2 HAJAMMA
3 HUMAYUNBATCHA
4 FATHIMA BEEVI @ PAPPATHI
5 NOOR MOHAMMED

... PETITIONERS / A1 TO A5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
THALLAKULAM ALL WOMEN POLICE STATION,
MADURAI CITY.
IN CR.NO. 39/2016

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.K.M.KARUNAKARAN Advocate

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

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

ORDER : The Court Made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A) and 294(b) I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.39 of 2016, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 25.03.2012. Thereafter, the petitioners herein harassed the defacto complainant by demanding more dowry and abused her by using filthy language. Hence, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they are no way connected with the offence, as alleged by the



prosecution and prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Criminal Side) appearing for the respondent submitted that after completing the investigation, charge sheet has been filed before the Court concerned and the same was taken on file as C.C.No.7 of 2018 on the file of the Additional Mahila Court, Madurai District.

5. The submissions made by the learned counsel appearing for either side are considered. The petitioners herein are the accused in C.C.No.7 of 2018 on the file of the Additional Mahila Court, Madurai. Admittedly, the first petitioner herein is the husband of the defacto complainant. After solemnization of the marriage between them, the petitioners herein demanded more dowry and ill-treated the defacto complainant. In consequence of the same, this case has been registered. As of now, after completing investigation, the respondent police laid charge sheet before the Additional Mahila Court, Madurai and the same was taken on file as C.C.No.7 of 2018. Hence, question of custodial interrogation does not arise. Therefore, considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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 Additional Mahila Court, Madurai District, on condition that each of 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 to the satisfaction of the learned Judge concerned and on further condition that:

(i) the petitioners shall report before the same Court daily at 10.30 a.m., for a period of two weeks and 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 petitioners 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 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/-
21/03/2018

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

TO

- 1 THE ADDITIOINAL MAHILA JUDGE,
MADURAI DISTRICT
- 2 THE INSPECTOR OF POLICE
THALLAKULAM ALL WOMEN POLICE STATION,
MADURAI CITY.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.K.M.KARUNAKARAN Advocate SR.No.4492

PJL
GJM/PN/SAR-I-3.4.18-3P-5C

ORDER
IN
CRL OP(MD) No.4454 of 2018
Date :21/03/2018