



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

Wednesday, the Twenty Fourth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.567 of 2018

1 HABEEB RAHMAN
2 SHAHILA BANU
3 MOHAMED RABIK

... PETITIONERS / ACCUSED Nos.1,2 & 3

Vs

THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT
(IN CRIME NO.105/2017)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.S.M.A.JINNAH 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 petitioners, who are arrayed as Accused Nos.1 to 3, apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 294(b), 494 and 506(ii) I.P.C., in Crime No.105 of 2017, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the de-facto complainant and the first petitioner was solemnized on 18.08.2014. At the time of marriage, the de-facto complainant gave 10 sovereigns of gold jewels and household articles. Thereafter, the petitioners threatened the de-facto complainant with dire consequences and demanded more dowry.

3.It is submitted by the learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they have not committed any offence, they have been falsely implicated in this case and prays for anticipatory bail in favour of the petitioners.

4.It is submitted by the learned Government Advocate (Criminal side) that totally there are three accused in this case. Previously on 08.12.2017, the de-facto complainant lodged a complaint before the respondent police and the same was closed on the same day itself by mentioning that the de-facto complainant and the first petitioner settled the dispute out of Court. Thereafter, this case was



registered on 28.12.2017. According to him, the investigation is in progress.

5. The submissions made by the learned counsel on either side are considered. Previously, on 08.12.2017, the de-facto complainant lodged a complaint before the respondent police was closed on the same day itself by mentioning that the de-facto complainant and the first petitioner settled the dispute in out of Court. Thereafter, this case has been registered on 28.12.2017. So, considering the relationship between the petitioners and the de-facto complainant and other facts and circumstances, 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, Thirumangalam, 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 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 three 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 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/-
24/01/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE,
THIRUMANGALAM, MADURAI DISTRICT

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE ,
MADURAI DISTRICT

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMANGALAM,
MADURAI DISTRICT

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

+1. CC to M/S.S.M.A. JINNAH Advocate SR.No.1273

JAM/31/01/2018/CM-VR/ SAR 3/ 3P-6C

ORDER
IN
CRL OP(MD) No.567 of 2018
Date :24/01/2018