



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

Monday, the Nineteenth day of November Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.20552 of 2018

1 AYSATH @ AYASATH VAJHIRA

2 AJILA

... PETITIONERS / A4 AND A5

Vs

STATE REP. BY

THE INSPECTOR OF POLICE,

ALL WOMEN POLICE STATION, KEELAKARAI,

RAMANATHAPURAM DISTRICT.

IN CRIME NO. 11 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : MR.A.AATHIYAN Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners/Accused Nos.4 and 5, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406, 506(i) of IPC and Section 4 of Dowry Prohibition Act, in Crime No.11 of 2018, seeks anticipatory bail.

2. According to the petitioners, the petitioners/ A-4 and A-5 are said to be former wife and mother-in-law of A-1 respectively. A-1 is the estranged husband of the defacto complainant. According to the petitioners, the first petitioner had married the first accused Mohamed Iliyas in the year 2005 and thereafter, in the year 2011, they have got separated and thereafter, she married one Rahamath in the year 2012. She is happily settled in the second marriage.

3. The contention of the defacto complainant is that the first petitioner has now got separated from the first accused. The defacto complainant got married the first accused Mohamed Iliyas in the year 2011. She lived with the first accused some time and



thereafter, left the matrimonial home in the year 2016 and she has been living with her parents. In the above case, it is averred that the first accused had demanded Rs.2 lakhs cash and 10 sovereigns jewels and this demand is at the instance of the other family members including the petitioners herein. It is further alleged that the second petitioner is continuing her relationship with her husband/first accused Mohamed Iliyas.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that investigation is almost over.

5.Considering the rival submissions and also the fact that the petitioners herein have in no way connected with the first accused and his family members from the year 2011 and as per Mohammeden Law, the first accused had married again and settled with one Rahamath, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions;

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, No.I, Ramanathapuram, on condition that the petitioners shall each execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that;

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent Police 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.

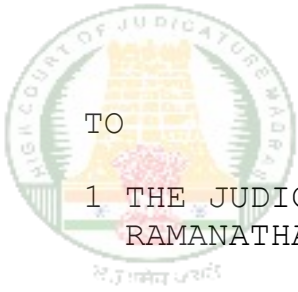
[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/11/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.

2 DO THROUGH THE CHIEF
JUDICIAL MAGISTRATE, RAMANATHAPURAM.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KEELAKARAI,
RAMANATHAPURAM DISTRICT.

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

+1. CC to M/S.A.AATHIYAN Advocate SR.No. 21748

ORDER

IN

CRL OP(MD) No.20552 of 2018

Date :19/11/2018

JM/VR MMS/SAR 2/28.11.2018/3P/6C