



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

Thursday, the Sixth day of September Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.15720 of 2018

1 SHEIK MOHIDEEN@SYED ALI
2 KADHAR MOHIDEEN
3 HAMEEDA BEEVI
4 MOHAMED MUSTHAF
5 SYED ALI FATHIMA

... PETITIONERS / ACCUSED RANK NOT KNOWN

Vs

THE STATE OF TAMIL NADU REP.BY ITS
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TUTICORIN DISTRICT
CRIME NO.NOT KNOWN OF 2018

... RESPONDENT / COMPLAINANT

MAHABED NISH ...PETITIONER /INTERVENER/DEFACTO COMPLAINANT

For Petitioner : Mr.G.RADHAKRISHNAN Advocate

For Respondent : Mr.V.NEELAKANDAN, Additional Public Prosecutor

For Intervener : B.N.RAJA MOHAMMED Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 294, 494, 506(i) I.P.C , Section 4 of D.P. Act and Section 4 of TNPWH Act, in Crime No.12 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner herein is the husband of the defacto complainant and other petitioners are in-laws of the defacto complainant. The first petitioner has given harassment for dowry to the defacto complainant. Hence, the case has been registered.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents. They did not commit any offence as alleged by the prosecution. Hence, he prays for anticipatory bail.



4.The learned counsel appearing for the intervener submitted that after the marriage, the first petitioner, on the instigation of other petitioners demanded more dowry. The first petitioner filed a suit for dissolution of the marriage before the Civil Forum of Thoothukudi, which is pending as O.S.No.172 of 2017. Further, the first accused married one Jahubar Nisha (A2) by concealing his existing marriage with the defacto complainant through A5. The second marriage was solemnized in the presence of A3, A4, A6 and A8, who have attested as witnesses to the marriage. Due to the illegal act of A1, he was arrested and remanded to judicial custody on 03.09.2018. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

5.The learned Additional Public Prosecutor appearing for the respondent submitted that the first accused in this case was arrested and remanded to judicial custody.

6.Taking note of the fact that the first accused in this case was arrested and remanded to judicial custody, the prayer sought for in this criminal original petition has become infructuous. Accordingly, this criminal original petitioner is dismissed as infructuous as far as the first petitioner is concerned.

7. Taking note of all these aspects, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners 2 to 5 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.I, Tuticorin and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners 2 to 5 shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation. The petitioners 2 to 5 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

8.The petitioners 2 to 5 shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
06/09/2018

/ TRUE COPY /

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



TO

1 THE JUDICIAL MAGISTRATE NO-I,
TUTICORIN.

2 THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
TUTICORIN DISTRICT.

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

+1. CC to M/S.G.RADHAKRISHNAN Advocate SR.No.17099
PS/RR/SAR-4:17/09/2018:3P/6C

ORDER

IN

CRL OP(MD) No.15720 of 2018

Date :06/09/2018