

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

Wednesday, the Twenty Ninth day of May Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.7323 of 2019

1 ABDUL RAHMAN

2 MYDEEN FATHIMA @ MYDEEN PATHU

3 RASOOL THAHSAM

... PETITIONERS / ACCUSED
NO.2,3 AND 4

Vs

STATE REP.BY

THE INSPECTOR OF POLICE,
MELAPPALAYAM POLICE STATION,
MELAPPALAYAM,
TIRUNELVELI DISTRICT.
(CRIME NO.134 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.S.PALANI VELAYUTHAM, Advocate

For Respondent : Mr.R.ANANDARAJ, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused No.2 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 34 and 109 IPC, in Crime No.34 of 2019, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the in-laws of the defacto complainant's daughter. The marriage was solemnised between the first accused and the daughter of the defacto complainant on 17.04.2011. Thereafter, the defacto complainant's daughter was blessed with a female child. Due to the family dispute, the petitioners and others harassed the daughter of the defacto complainant inhumanly. On 13.10.2018, the first accused in this case had issued a notice mentioning the triple Talaq. Since the said act of the first accused is contrary to law, the defacto complainant lodged a complaint against the petitioners. Thus, on complaint, a case has been registered against the petitioners and others.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons, they did not commit any offence as alleged by the prosecution and their names have been falsely implicated in this case.

4.The learned Government Advocate would submit that there is a family dispute and the investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. It is an admitted fact that the petitioners are the in-laws of the defacto complainant's daughter, on the other hand, the petitioners are not the main accused in the alleged occurrence. Hence, custodial interrogation of the petitioners is not necessary for completing the investigation. Since the alleged occurrence had happened in the family of the defacto complainant, if these type of petitions are dismissed, the same may lead further consequences in the family of the defacto complainant. More than that since both parties are relate to each other, question of tampering evidence does not arise. So, on considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail with some conditions.

6. 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 learned Judicial Magistrate No.V, Tirunelveli, Tirunelveli District, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 conditions that:

(I) the petitioners as well as the sureties shall submit a copy of their Aadhar Card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(ii) the petitioners shall appear before the respondent Police daily at 10.00 a.m., for a period of three weeks and thereafter as and when required for interrogation;

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(iv) the petitioners shall co-operate for the investigation and the trial. The petitioners shall not abscond either during investigation or trail and in event of the petitioners abscond, the respondent police shall register a case as provided under Section 229-A IPC;

(v) 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/-
29/05/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V, TIRUNELVELI,
TIRUNELVELI DISTRICT.
 2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
 3. THE INSPECTOR OF POLICE, MELAPPALAYAM POLICE STATION,
MELAPPALAYAM, TIRUNELVELI DISTRICT.
 4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to Mr.S.PALANI VELAYUTHAM Advocate SR.No.9005

ORDER
IN
CRL OP (MD) No.7323 of 2019
Date :29/05/2019

MS/JC/SAR-3/03.06.2019/3P.6C

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