



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

Monday, the Twenty Eighth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21533 of 2018

1 MOHAMED BASHEER

2 MOHAMED HUSSAIN

3 S.KADHER BEEVI

... PETITIONERS / ACCUSED NO.1 TO 3

-Vs-

1 STATE REP.BY

THE DEPUTY SUPERINTENDENT OF POLICE,
MANAPPARAI, TRICHY DISTRICT.

2 THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.
IN CRIME NO.13 OF 2018

...RESPONDENTS / COMPLAINANTS

ARIFA BANU

... PETITIONER/ INTERVENOR

For Petitioners: Mr.AN.RAMANATHAN, Advocate

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

For Intervenor : Mr.T.K.GOPALAN, 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 294(b), 498(A), 354, 506(ii) and 448 I.P.C, in Crime No.13 of 2018, seek anticipatory bail.

2.The case of the prosecution is that there was a matrimonial dispute between the first petitioner and the defacto complainant, due to which the defacto complainant was living separately from 18.06.2016. At the time of marriage, the defacto complainant brought some jewels and now the petitioners are refusing to give back the jewels. Hence the complaint.

3.The learned counsel for the petitioners would submit that the first petitioner is the husband of the defacto complainant. The second and third petitioners are father and mother of the first petitioner. The defacto complainant on instigation of her brothers



who had business enmity with the first petitioner quarrelled and she herself deserted the matrimonial home. The first petitioner is always ready to live with the defacto complainant.

4. The learned counsel for the intervenor would submit that at the time of marriage the parents of the defacto complainant gave 115 sovereigns of gold and a sum of Rs.20,00,000/- in cash as demanded by the petitioners. The first petitioner had business contact at Tirupur and Erode. The 1st petitioner could not continue his business successfully and incurred losses and due to the frustration often beat the defacto complainant and demanded more money.

5. The learned Government Advocate (Criminal Side) would submit that a case has been registered and investigation has been carried out. This matter was also referred to the mediation centre wherein, the defacto complainant's only demand was that she wanted divorce from her husband. She is not willing to lead life with the first petitioner and wanted her jewels back, which was gifted to the first petitioner at the time of marriage by the parents of the defacto complainant.

6. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

7. 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 Court, Manapparai, on condition that the petitioners shall execute 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 said Magistrate, on further condition that:

[a] the petitioners shall appear before the respondent police as and when required for interrogation.

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

[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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-
28/01/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE, MANAPPARAI.
- 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
- 3 THE DEPUTY SUPERINTENDENT OF POLICE,
MANAPPARAI, TRICHY DISTRICT.
- 4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MANAPPARAI, TRICHY DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to Mr.AN.RAMANATHAN, Advocate, SR.No.1518
+1CC TO Mr.T.K.GOPALAN, Advocate, Sr No.1642

ORDER
IN
CRL OP(MD) No.21533 of 2018
Date :28/01/2019

MS/VR/SAR-2/05.02.2019/3P.8C