



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.6105 of 2019

1. Mohamed Ibrahim Ummal

2. Asarab Alli

... Petitioners/Accused Nos.2 & 3

- Vs-

1 State Rep.by

The Inspector of Police,
All Women Police Station,
Tiruchendur, Thoothukudi District.
(Crime No.7 of 2019).

2. Kathija Ayasha

... Respondents/Complainants

For Petitioner : M/s.C.Saravanakumar,
Advocate.

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

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

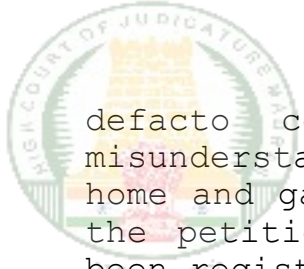
PRAYER :-

For Anticipatory Bail in Crime No. 7 of 2019 on the file of the Respondent Police.

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), 406 of IPC and 4 of Dowry Prohibition Act 1961, in Crime No.7 of 2019, seek anticipatory bail.

2.The learned counsel appearing for the petitioners has submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. They are parents of A1. The marriage between the first accused and the



defacto complainant took place on 06.08.2017. Due to some misunderstanding, the defacto complainant went out her matrimonial home and gave a complaint before the respondent police stating that the petitioners herein demanded dowry from her. Hence a case has been registered against the petitioners herein.

3.Per contra, the learned Additional Public Prosecutor for the respondent has submitted that the marriage between the first accused and the defacto complainant took place on 06.08.2017. At the time of marriage, the defacto complainant's parents gifted 30 sovereigns of gold to the petitioners. Now, they are demanding additional dowry and harassing the defacto complainant. Hence, he opposed this petition.

4.It is seen from the FIR, the main allegations are made only against A1. The petitioners herein are parents of A1. Admittedly, A1 is staying at Saudi. Taking into consideration of the aforesaid facts, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5.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, Tiruchendur, 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 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) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioners shall report before the respondent police daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police for interrogation.

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

(iv) the petitioners shall not abscond either during investigation or trial.

(v) 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].



(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

11/07/2019

/ TRUE COPY /

WEB COPY

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

TO

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

ORDER

IN

CRL OP(MD) No.6105 of 2019

Date :11/07/2019

MS/JC/SAR-2/17.07.2019/3P.5C