



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.11575 of 2018

1.YASSER ARAFATH
2 MOHAMED MEERA
3 RAHIMA BEEVI
4 ROHINA BEGUM
5 IRFAN KHAN

... PETITIONERS / ACCUSED

Vs

STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, (RURAL)
TIRUNELVELI DISTRICT.
(IN CRIME NO. 10 OF 2018)

... RESPONDENT / RESPONDENT

For Petitioners : MR.P.R.PRITHIVIRAJ Advocate

For Respondent : MR.S.CHANDRASEKAR,
Additional Public Prosecutor

For Intervener : Mr.P.T.RAMESH RAJA, Advocate

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

ORDER : The Court Made the following order :-

The first petitioner herein is the husband of the *de facto* complainant and the other petitioners are the relatives of the first petitioner. Apprehending arrest at the hands of the respondent police for the offences punishable under Section 498(A), 406, 506(i) of IPC And Section 4 of Dowry Prohibition Act, the petitioners seek Anticipatory bail.

2. The case of the prosecution is that the marriage between the first petitioner and the *de facto* complainant had taken place on 12.03.2017. In the meanwhile, the contention made by the *de facto* complainant is that the petitioner and his family members have demanded dowry and sent the *de facto* complainant out of the matrimonial house. Hence, complaint has been registered. The petitioner submits that the entire family turned against her and in fact, after registering the case, she appeared before the Jamad and



the de facto complainant received all her belongings and jewels from the petitioner.

3. Mr.P.T.Ramesh Raja, learned counsel appearing for the intervener submitted that the petitioner is continuously harassing the de facto complainant and demanding dowry, she has been forcefully sent out of the matrimonial house. Hence, he vehemently objected the grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl., side) submitted that the investigation of the case is completed and charge sheet has to be filed.

5. Taking into consideration the facts of the case and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners.

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 -3, Tirunelveli 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 conditions that:

[a] if the petitioners fail 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/-
30/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO. III,
TIRUNELVELI

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, (RURAL)
TIRUNELVELI.

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

+1. CC to MR. D. VENKAT RAMAN, Advocate SR. No. 1922

ORDER

IN

CRL OP (MD) No. 11575 of 2018

Date : 30/01/2019

AE/JC/SAR-II/13.02.2019/3P/6C