



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

Wednesday, the Thirtieth day of January Two Thousand Nineteen

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.19415 of 2018

1.K.SYED IBRAHIM
2 BARISHA BEGUM
3 KAMALUDEEN
4 JESHMINA BANU
5 TAJ NISHA

... PETITIONERS / ACCUSED NOS.1 TO 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY CITY.
(CRIME NO.27 OF 2018)

... RESPONDENT / COMPLAINANT

For Petitioners : Mr.B.JAMEEL ARASU Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

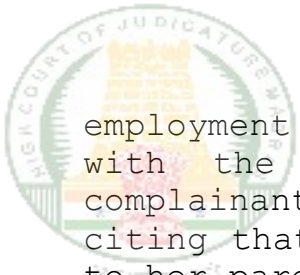
For Intervener : MR.S.VANCHINATHAN, Advocate

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

ORDER : The Court Made the following order :-

The first petitioner is the husband of the *de facto* complainant and the other petitioners are the in-laws of the *de facto* complainant. Apprehending arrest at the hands of the respondent police for the offence punishable under Sections 498(A), 406, 506(i) of IPC in Crime No.27 of 2018 on the file of the respondent police, the petitioners seek anticipatory bail.

2. The case of the prosecution is that the marriage between the *de facto* complainant and the first petitioner has taken place on 01.12.2013 and some time after the marriage, the first petitioner has gone to Middle East countries seeking employment. In the meanwhile, he often comes to his home and stays with the *de facto* complainant. Out of the wedlock, they have two children of tender age viz., four years and two years. During the first petitioner's



employment in the Middle East, the *de facto* complainant used to stay with the other petitioners and in-laws. Now, the *de facto* complainant had made an allegation against the second petitioner citing that some of her conduct has driven the *de facto* complainant to her parental home.

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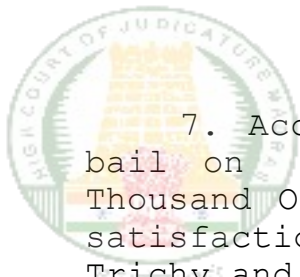
3. At the instance of the learned counsels appearing for both the petitioners as well as the respondent, an amicable settlement has been arrived at for the present. The petitioner and the *de facto* complainant are present. The learned counsel appearing for the petitioners submits that the first petitioner is ready to take care of the children and he is willing to spend for the life and education of his children. But as far as the *de facto* complainant is concerned, since she has made wild allegations against his own mother, he is not willing to make any payment to her and would approach the appropriate forum for the same.

4. Taking into consideration that his children are living separately from the year 2017 onwards, the first petitioner is willing to make payment of Rs.1,00,000/- each, totally Rs.2,00,000/- (Rupees Two lakhs only) to his children and from the month of February 2019, he is willing to make payment of Rs.3,000/- (Rupees Three Thousand only) per child, totally Rs.6,000/- (Rupees Six Thousand only) every month and the same shall be deposited in the account of the *de facto* complainant/ mother, who is the natural guardian, with whom the children are residing. The account details are as follows:

Name of the Bank	:	CANARA BANK
Account No	:	2755108039627
Name	:	S. SITHI ASMA
Branch Name	:	Urumu Dhanalakshmi College Branch, Trichy.
IFSC Code	:	CNRB0002755

5. It is made clear that this arrangement shall be in existence till either of the parties approach the appropriate forum seeking similar relief and till such time the above said exercise shall be followed by the first petitioner. Moreover, payment of Rs.2,00,000/- (Rs.1,00,000/- + Rs.1,00,000/-) for the children shall be made on or before **28.02.2019** as the same will be made before executing the surety.

6. Considering the above facts and circumstances and with regard to the amicable settlement reached between the parties, this Court is inclined to grant bail to the petitioners.



7. Accordingly, the petitioners are ordered to be released on bail on 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 Additional Mahila Court, Magisterial Level, Trichy and on further conditions that:

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

[b] the petitioners shall not tamper with evidence or witness either during trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] the first petitioner shall make a payment of Rs.2,00,000/- (Rs.1,00,000/- + Rs.1,00,000/-) to his two children, on or before **28.02.2019** as the same should be made before executing the surety.

[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/petitioners 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 ADDITIONAL MAHILA COURT,
MAGISTRATE LEVEL,
TRICHY.

2. DO THRO THE CHIEF JUDICAL MAGISTRATE,
TRICHY DISTRICT.

<https://hcservices.ecourts.gov.in/hcservices/>
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIRANGAM, TRICHY CITY.



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

+1. CC to Mr.B.JAMEEL ARASU Advocate SR.No.1857
+1. CC to MR.S.VANCHINATHAN Advocate SR.No.1759

ORDER

IN

CRL OP(MD) No.19415 of 2018

Date :30/01/2019

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AE/PN/SAR3/06.02.2019/4P/7C