



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.9756 of 2019

Syed Ali Fathima

... Petitioner/Accused

Vs

State represented by,
The Inspector of Police,
Thallakulam All Women Police Station,
Madurai District.
Crime No. 24 of 2019.

... Respondent/Complainant

For Petitioner : M/s.S.A.A.Jinnah,
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. 24 of 2019 on the file of the Respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(ii) IPC and 11(i) r/w 12 of POCSO Act, 2012, in Crime No.24 of 2019, seeks anticipatory bail.

2.The learned counsel appearing for the petitioner has submitted that there was a property dispute between the accused No.1 and his sister, namely, Ismail Beevi, who is the mother of the defacto complainant. He further submitted that the petitioner, who is arrayed as A2 is the wife of A1 and the accused persons are residing in the first floor and the defacto complainant and her mother are residing in the ground floor of the same building. He further submitted that on 12.10.2018, with regard to enjoyment of their portions, quarrel arose and the defacto complainant's mother has lodged a complaint against the petitioner and her husband. Based



on the same, FIR was registered in Crime No.24 of 2019 and in the said complaint, she has not stated anything about the alleged sexual abuse by the petitioner herein. He further submitted that the defacto complainant and her mother damaged the building and hence, on 12.06.2019, the first accused lodged a complaint against them and enraged by the same, the defacto complainant's mother gave a false complaint against the petitioners through her daughter as if the accused persons are giving sexual harassment. He further submitted that already A1 was arrested and remanded to judicial custody. The petitioner is wife of A1 and she has not committed any sexual abuse and therefore, he prayed to grant anticipatory bail to the petitioner.

3.Per contra the learned Additional Public Prosecutor for the respondent has submitted that A1 gave sex torture to the victim girl, who is aged about 16 years and for that the petitioner herein is also helping the first accused and hence, he strongly opposed this petition.

4.Taking into consideration of the fact that in the complaint, which was lodged by the defacto complainant's mother on 12.10.2018 nothing has been stated about the alleged sexual abuse and also the fact that both the parties are close relatives and they are residing in the same building and already property dispute is there, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.Accordingly, the petitioner is 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 Session Mahila Court, Madurai on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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:

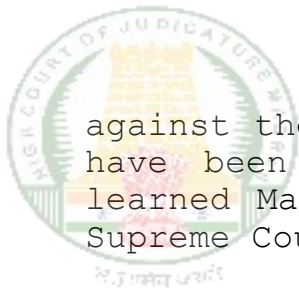
(i) If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) the petitioner 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 petitioner shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioner 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 /

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

TO

1.THE SESSIONS JUDGE, MAHILA COURT, MADURAI

2.THE INSPECTOR OF POLICE,
THALLAKULAM ALL WOMEN POLICE STATION,
MADURAI DISTRICT

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

+1. CC to M/S.S.A.A.JINNAH Advocate SR.No.11559

ORDER
IN
CRL OP(MD) No.9756 of 2019
Date :11/07/2019

DAS
PK/JC/SAR-1/19.07.2019 : 3P/5C