

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10295 of 2019

1. Syed Mohammed
2. Raja Mohammed Petitioners/Accused No.1 & 2

Vs

State rep.by
The Inspector of Police,
Silaiman Police Station,
Madurai District.
Crime No.244 of 2019 Respondent/Complainant

Mohammed Ali Jinnah Intervene Petitioner/
Defacto Complainant

For Petitioners: M/s.Ajmal Khan, Senior Counsel
for R.Karunanidhi, Advocate.

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

For Intervenor : Mr.R.Anand, Advocate

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :-

For bail petition in cr.no.244 of 2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

This petition has been filed by the petitioners/ Accused-1 and 2 seeking bail for the alleged offence under Sections 498(A), 294 (b), 355 of IPC.

2. Heard both sides

3. The learned Senior Counsel appearing for the petitioners would submit that the defacto complainant's twin daughters were married to the petitioners herein. He further submitted that due to some misunderstanding between the defacto complainant and parents of

the petitioners, the defacto complainant gave a false complaint against the petitioners herein. He further submitted that the wife of the petitioners are not having any grievance with the petitioners. He further submitted that all the articles were handed over to the defacto complainant and the same has been videographed and photos also have been taken and he is ready to produce the same. He further submitted that the defacto complainant is a influential person and arrested the petitioners on 06.07.2019 at about 03.00 a.m and in the police station he insisted the petitioners to give divorce , but the petitioners not agreed for the same and hence he insisted the police to register a case and remand the petitioners and accordingly the police remanded the petitioners. He further submitted that the petitioners have not committed any offence and therefore he prayed to grant bail to the petitioners.

4. The learned counsel for the intervenor/defacto complainant would submit that in the petition, the petitioners have not stated that the defacto complainant insisted the petitioners to give consent for divorce and contrary to that they have stated that the defacto complainant insisted the petitioners to live in his house and hence the contention of the learned counsel for the petitioners that the defacto complainant insisted the petitioners to give consent for divorce is false. He further submitted that in the First Information Report, the defacto complainant has given a list of articles which were given to the petitioners as dowry and in the said list, cars also mentioned, but now the said cars are with the defacto complainant and he insists to return only the articles which are now in the possession of the petitioners. He further submitted that the petitioners wilfully keeping the same and not returning the said articles. He further submitted that the contention of the learned Senior counsel for the petitioners that the articles were returned to the defacto complainant and the same has been videographed is false. He further submitted that the if the petitioners are released on bail, they may tamper the witnesses and hence he strongly opposed to grant bail to the petitioners.

5. The learned Additional Public Prosecutor adopted the arguments advanced by the learned counsel for the petitioners, intervenor/defacto complainant and he also prayed to dismiss the petition.

6. Taking into consideration of the fact that the petitioners are in custody from 06.07.2019 for the past 18 days and by this time major portion of the investigation might have been completed and also the fact that the petitioners were arrested and interrogated by the police and they have not recovered any property from the petitioners and also the submissions made by the learned Senior Counsel that the articles were already returned to the defacto complainant and the same has been videographed and he is ready to produce videographs, this Court is inclined to grant bail to the petitioners by imposing conditions:

[a] the petitioners are ordered to be released on bail on his executing 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 Judicial Magistrate No.II, Madurai.

[b] the petitioners shall report before the Respondent Police, daily at 10.30 A.M for a period of One Month and thereafter, as and when required for the interrogation.

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

[d] the petitioners shall not tamper with evidence or witness 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 absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

24/07/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE SUPERINTENDENT, CENTRAL JAIL, MADURAI.
4. THE INSPECTOR OF POLICE,
SILAIMAN POLICE STATION, MADURAI DISTRICT.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.KARUNANIDHI Advocate SR.No.12168

ORDER IN

CRL OP(MD) No.10295 of 2019

Date :24/07/2019