

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.6824 of 2020

1.Mohamed Haneef
2.Ansar Begam
3.Fauzia Parveen
4.Mohammed Zaffer

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
W18m All Women Police Station
M.K.B Nagar, Vysarpadi
Chennai-600 039.
Cr.No.11 of 2019

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.11 of 2019 pending investigation on the file of the respondent police.

For Petitioners : Mr.I.Abrar Mohamed Abdullah

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498(a), 506(I) of IPC and Section 4 of the Dowry Prohibition Act, 1961, in Crime No.11 of 2019 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant one Nasreen is that she was married to A1, who is the son of the 1st and 2nd petitioners on 20.11.2011 and at the time of the marriage, 120 sovereigns of gold was given to the de-facto complainant and Rs.30 lakhs was spent towards marriage expenses and out the wedlock, a female child was born on 16.09.2012 and thereafter, the accused had demanded dowry from the de-facto complainant. Later, the de-facto complainant came to know that the first accused was having a lover in Canada and that he was spending money for her. Later, on 08.08.2018, the de-facto complainant went to Qatar along with her daughter and

she was living with him for 10 days and thereafter, the first accused had driven her out from the matrimonial home and compelled her to give divorce. When she came to Chennai, she went to the first accused house, where she was not allowed to enter the house and the petitioners threatened her that she will be burnt to death and thereby, a complaint has been given against the accused.

3. The learned counsel for the petitioners would submit that the petitioners 1 to 3 are respectively father-in-law, mother-in-law, sister-in-law of the de-facto complainant and the 4th petitioner is the husband of the 3rd petitioner. He would further submit that the matrimonial dispute between A1 and the defacto complainant has been exaggerated. He would further submit that after the marriage, the first accused and the de-facto complainant were living in Qatar and due to matrimonial dispute, the first accused filed a divorce petition in O.S No.8 of 2019 on the file of the Family Court, Namakkal. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the marriage between the first accused and the de-facto complainant took place during the year 2011 and that they have one female child. Whereas, the first accused got employment in Qatar and developed intimacy with another woman and driven the defacto complainant out of the matrimonial home and the other accused demanded dowry and driven out her from the matrimonial house. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5. The learned counsel for the intervenor/de-facto complainant opposed stating that the petitioners are respectively father-in-law, mother-in-law, sister-in-law and brother of the de-facto complainant. He would further submit that the first accused is employed at Qatar and the petitioners intimidated and compelled the de-facto complainant to give divorce to A1.

6. Heard both sides and perused the FIR.

7. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

a) 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 V Metropolitan Magistrate, Chennai, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[b] the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioners 1, 2 & 4 shall report before the respondent police daily at 10.30 a.m for a period of one week and thereafter, as and when required for interrogation and the 3rd petitioner shall report before the respondent police as and when required for interrogation.

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

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

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-

12/10/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 NO.V METROPOLITAN MAGISTRATE,
CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE,
CHENNAI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
W18, ALL WOMEN POLICE STATION,
M.K.B NAGAR, VYASARPADI, CHENNAI.

CC to I.ABRAR MOHAMED ABDULLAH Advocate on payment of necessary
charges

CRL OP.6824/2020

Date :12/10/2020

RVR 22/10/2020



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