

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.14498 of 2020

1.A.R.Mohammed Gouse Khan
2.Abdul Rahman
3.Begum Abdul Rahman Khan
4.A.R.Yasmin
5.Rahiman Mahaboob E Wajid

... Petitioners

Vs.

The State rep.by
The Inspector of Police,
W-32, All Women Police Station,
Madipakkam,
Chennai.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
to enlarge the petitioners on bail in the event of their arrest in
Crime No.12 of 2020 on the file of the respondent police.

For Petitioners : Mr.W.M.Abdul Azeez

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 offences punishable under Sections 498(A),
406 and 294(b) of IPC, in Crime No.12 of 2020, seek anticipatory
bail.

2. The case of the prosecution as per the de-facto complainant
is that the marriage between her and the first petitioner took place
on 22.12.2019. On the very next day, the third petitioner / mother-
in-law had compelled her to hand over the jewels and demanded the
amount of Rs.6,50,000/- for purchase of a car and some jewels. The
further allegation is that the mother-in-law along with the sister of
her husband abused her and also made an attempt to beat her. Hence,
the complaint.

3. The learned counsel for the petitioners would submit that at
the time of marriage, the amount of Rs.6,50,000/- was given to the
first petitioner for purchasing a Car. Apart from the said sum of
Rs.6,50,000/-, the petitioners invested about Rs.4,00,000/- and
purchased the Car. The petitioners are ready to return back the Car
to the de-facto complainant and transfer the registration in the name

of the de-facto complainant, if the balance amount is repaid to the petitioners. He would further submit that within two days of marriage, there was a family dispute, and hence, the de-facto complainant left the matrimonial house and given a false complaint against the petitioners. Therefore, he prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would submit that marriage between the de-facto complainant and the first petitioner took place on 22.12.2019. Immediately, on the very next day, the accused had beaten the de-facto complainant asking her to hand over the jewels to them and further they received a sum of Rs.6,50,000/- for purchase of a Car. Now, they are refusing to return the Car and the jewels. Hence, he opposed to grant anticipatory bail to the petitioners.

5. Heard the learned counsels appearing on either side and perused the First Information Report.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Alandur, Chennai, on condition that each petitioners shall execute a separate 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 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:

[a] the petitioners and 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.

[b] the first petitioner shall report before the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter every Monday at 10.30 a.m., until further orders. The petitioners 2 and 5 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders. The petitioners 3 and 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.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

17/09/2020

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 THE JUDICIAL MAGISTRATE,
ALANDUR, CHENNAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
W-32, ALL WOMEN POLICE STATION,
MADIPAKKAM, CHENNAI

CC to M/S. W.M.ABDUL AZEEZ Advocate on payment of necessary
charges Sr.6301

CRL OP.14498/2020

Date :17/09/2020

RVR 23/09/2020