



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 04/03/2020

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PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN

CRL OP (MD) . Nos.4072 & 4076 of 2020

Crl.O.P. (MD) .No.4072 of 2020:

Haseenara Sheikh

... Petitioner/2nd Accused

Vs

1. State represented by
The Inspector of Police,
C2, Police Station,
Subramanipuram,
Madurai City.

2. State represented by its
The Inspector of Police,
Mumbra Police Station, Thane City,
Thane District, Maharashtra.

... Respondents/Complainants

For Petitioner : Mr.V.Veerapandian
for M/s.Vastlaw Associates,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side) for R1

CRL OP (MD) . No.4076 of 2020:

S.Razia Begum

... Petitioner/4th Accused

Vs

1. State represented by
The Inspector of Police,
C2, Police Station, Subramaniapuram,
Madurai City.

2. State represented by its
The Inspector of Police,
Mumbra Police Station, Thane City,
Thane District, Maharashtra.

... Respondents/Complainants



For Petitioner : Mr.V.Veerapandian
for M/s.Vastlaw Associates,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side) for R1

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

COMMON PRAYER :-

For Anticipatory Bail in Crime No.173 of 2020 on the file of the 2nd Respondent Police.

COMMON ORDER : The Court made the following common order :-

These two petitioners are arrayed as Accused Nos.2 and 4 in the complaint given by one Zarina Sajan Rehman Siddique to the second respondent Police and the same has been taken on file in Crime No.173 of 2020 by the second respondent Polie.

2. The *de facto* complainant is none other than the daughter-in-law of the fourth accused and sister-in-law of the second accused. The allegation made in the complaint is that the *de facto* complainant married Ahmed Meheboob Sheikh on 15.08.2013, who is the son of the fourth accused and the brother of the second accused. The *de facto* complainant and the first accused Ahmed Meheboob Sheikh, initially had the matrimonial home at Chennai. When the *de facto* complainant got conceived she went to Thane, Maharastra. The first accused used to demand money from the *de facto* complainant, perpetually an aggressor. The petitioners herein, who are the mother-in-law and the sister-in-law of the *de facto* complainant used to instigate the first accused from the Madurai over phone to harass the *de facto* complainant and demanded money. On their instigation, the first accused pronounced triple talaq and drove the *de facto* complainant out from the matrimonial home. Hence the case has been registered against the four persons for the offences under Sections 498 (A) and 506 I.P.C. and Section 4 of Muslim Womans (Protection of Marriage Rights) Act, 2019. The petitioners apprehending arrest at the hands of the respondent Police, have filed these petitions, seek anticipatory bail.

3. Taking into consideration the nature of allegation in the First Information Report and case being registered at Thane, Maharastra, against the persons, who are at Madurai, alleging instigation over the phone, this Court is inclined to grant interstate anticipatory bail to the petitioners following the dictum laid down in ***S.P.Shanthi Swaroop Vs. State of Tamil Nadu represented by Assistant Commissioner of Police, Central Crime Branch, Madras*** reported in ***(1992 LW (Crl) 475)***, for a period of eight weeks from today (04.03.2020). In the meantime, the petitioners shall work out their remedies before the Jurisdictional Court in Thane, Maharastra.



Grant of interim anticipatory bail would only protect the petitioners from the arrest in Tamil nadu and it does not mean that they would be entitled to regular anticipatory bail from the jurisdictional Court.

4. 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 Judicial Magistrate No.IV, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand only) each 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:

(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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(c). the petitioners shall not abscond either during investigation or trial;

(d). 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]**; and;

(e). if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/03/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



TO

1. THE JUDICIAL MAGISTRATE NO.IV, MADURAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
C2, POLICE STATION,
SUBRAMANIPURAM,
MADURAI CITY.
4. THE INSPECTOR OF POLICE,
MUMBRA POLICE STATION, THANE CITY,
THANE DISTRICT, MAHARASTRA.
5. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+2. CC to M/S.VASTLAW ASSOCIATES Advocate SR.Nos.4887 & 4888

ORDER IN

CRL OP (MD) . Nos.4072 & 4076 of 2020

Date :04/03/2020

MS/VR/SAR-2/06.03.2020/4P.8C