



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) . No.4056 of 2020

1.Sitthik Basha

2.Noor Jahan

3.Sabura

4.Mohammed Ismail

... Petitioners/Accused Nos.1 to 4

Vs

The State rep.by

The Inspector of Police,

All Women Police Station,

Fort, Trichy City.

Crime No.3 of 2020

... Respondent/Complainant

For Petitioners : Mr.S.Sathyachidambaram,
Advocate.

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

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

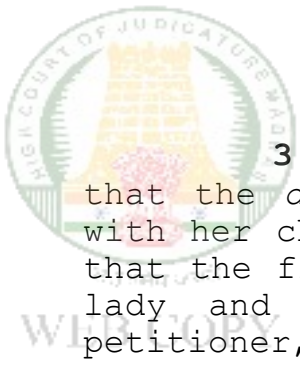
PRAYER :-

for Anticipatory Bail in Crime No.3 of 2020 on the file of the
respondent police

ORDER : The Court made the following order :-

This Anticipatory Bail Petition is filed by the husband,
mother-in-law, sister-in-law and husband of the sister-in-law,
alleging the dowry harassment, for the offence under Section 498 (A)
of I.P.C.

2. According to the *de facto* complainant, she and the first
petitioner got married on 18.06.2008 and they are blessed with two
children. After the death of her father, the attitude of the first
petitioner changed and the first petitioner along with the other
accused started harassing her, demanding dowry and further, the
first petitioner / husband married another lady by name Meharaj, for
which his family members, who are the accused Nos.2 to 4 have
connived. The petitioners herein denied the said allegation and
submitted that they are innocent and the said complaint is given
with an ulterior motive.



3. The perusal of the First Information Report indicates that the *de facto* complainant has left the matrimonial home along with her children due to ill-treatment. It is specifically alleged that the first petitioner has illicit intimacy with another married lady and other petitioners are in connivance with the first petitioner, causing harassment to her.

4. On a cumulative appreciation of the complaint, this Court finds that the petitioners 1 and 2, the *de facto* complainant was living with the first petitioner in West Chinathamani, Trichy, whereas, the petitioners 3 and 4 are the resident of Tirumanur, Erakudi Post, Trichy District. Obviously, they are living elsewhere and therefore, there may be some element of embellishment in the complaint regarding the involvement of the petitioners 3 and 4. Hence, anticipatory bail is granted for petitioners 3 and 4, while this petition for petitioners 1 and 2 is dismissed.

5. Accordingly, this petition is dismissed as against the petitioners 1 and 2 and the petitioners 3 and 4 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 Additional Mahila Court, Trichy District, on condition that the petitioners 3 and 4 shall execute a bond for a sum of Rs.1,00,000/- (Rupees One Lakh only) with two common 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 concerned Court and on further condition that:

(a). the petitioners 3 and 4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the concerned Court may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b). the petitioners 3 and 4 shall report before the respondent police as and when required for interrogation;

(c). the petitioners 3 and 4 shall not tamper with evidence or witness either during investigation or trial;

(d). the petitioners 3 and 4 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 3 and 4 in accordance with law as if the conditions have been imposed and the petitioners 3 and 4 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 55601; and;

<https://hcservices.ecourts.gov.in/hcservices/>



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

sd/-
04/03/2020

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

TO

1. THE ADDITIONAL MAHILA COURT,
TRICHY DISTRICT.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
FORT, TRICHY CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.SATHYACHIDAMBARAM Advocate SR.No.4747

ORDER
IN
CRL OP(MD) No.4056 of 2020
Date :04/03/2020

TSG
TK/JC/SAR.2/11.03.2020/3P/5C