



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
( Criminal Jurisdiction )

Date : 16/09/2020

PRESENT

**The Hon`ble Mr.Justice V.BHARATHIDASAN**

CRL OP(MD). No.6671 of 2020

1. Mahabyath Begam
2. Beemajan

... Petitioners/Accused No.1 & 2

- Vs-

1. State rep.by  
The Inspector of Police,  
All Women Police Station,  
Madurai Town, Madurai City,  
Madurai District.

2. Asma Fathima ... Respondents/Complainants  
(R2 Suo motu impleaded as per  
order of this Court dated 12.08.2020  
in CRL OP(MD).No.6671 of 2020 BY VBDJ)

For Petitioners : Mr.K.Samidurai, Advocate.  
For 1<sup>st</sup> Respondent : M/s.S.E.Veronica Vincent,  
Government Advocate (Crl.Side)  
For 2<sup>nd</sup> Respondent: No appearance

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

PRAYER :-

For Anticipatory Bail in Cr.No.14/2020 on the file of the  
Respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 and A2, apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b) and 506(i) of IPC, in Crime No.14 of 2020 on the file of the respondent police, seek anticipatory bail.

2.Totally there are two accused in this case. The petitioners are mother-in-law and sister-in-law of the defacto complainant. The case of the prosecution is that the marriage between the defacto complainant and the son of the first petitioner took place on 15.03.2020, at that time, the parents of the defacto complainant has given a sufficient dowry. Thereafter, the petitioners are said to



have demanded dowry from the defacto complainant without knowledge of the husband of the defacto complainant. Hence, the present complainant.

3. Earlier when the matter came up for hearing, a notice was ordered to the defacto complainant and she has been added as the second respondent in this petition, and there is no representation on behalf of the second respondent/defacto complainant.

4. Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent.

5. The learned counsel appearing for the petitioners submitted that the defacto complainant and the son of the first petitioner are living together in a same house. He further submitted that there was a civil dispute between the the petitioners and the defacto complainant's husband, due to which, the petitioners have also given another complaint against the defacto complainant and her husband stating that the defacto complainant and her husband were taking steps to evict the petitioners forcibly and the same was registered in Crime No.866 of 2020, for the offence punishable under Sections 294(b), 323 and 506(i) of IPC and the same is also pending investigation. Hence, they seek anticipatory bail.

6. The learned Government Advocate (Crl. Side), appearing for the respondent police opposing this bail application by submitting that the petitioners said to have demanded dowry from the defacto complainant and also harassed her.

7. Considering the facts and circumstances of the case and also considering the rival submissions on either side and on perusal of the materials available on records, it is seen that the petitioners are the mother-in-law and the sister-in-law of the defacto complainant. It is also seen that the son of the first petitioner and the defacto complainant are living in the same house and a complaint has been given by the petitioners against the defacto complainant and her husband alleging that they are taking steps to evict the petitioners. Considering the above circumstances and the fact that it is a case in counter and due to civil dispute, the occurrence said to have taken place and there was no dowry demand, hence, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like



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 report before the respondent police 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]; and;

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

sd/-

16/09/2020

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

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

+1 CC to M/s.K.SAMIDURAI, Advocate ( SR-6451[I] dated 16/09/2020 )

ORDER IN

CRL OP(MD) No.6671 of 2020

Date : 16/09/2020

MS/VR/SAR-2/18.09.2020/3P.5C

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