



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2020

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.7696 of 2020

1. Habeeba Beevi
2. Mohamed Ushain
3. Kaja Mohideen
4. Ansari
5. Banu

... Petitioners/Accused No.2 to 6

Vs

1. The Inspector of Police,
All Women Police Station,
Keelakarai,
Ramanathapuram District.
Cr.No. 09 of 2020.

... Respondent/Complainant

2. Pakkir Fathima
(R2 Suo Moto Impleaded as Per order
of this Court dated 31.07.2020 in
CRL OP(MD). No.7696 of 2020)

... Respondent/Defacto Complainant

For Petitioners : M/s.J.M.Hassanul Bazaari,
Advocate.

For Respondent : Mrs.M.Anandhi Devi,
Government Advocate (Crl.Side)

For Intervener : Mr.M.K.Suresh, Advocate

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

PRAYER :- For Anticipatory Bail in Crime No. 09 of 2020 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-2 to A-6 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 406 of IPC and Section 4 of Dowry Prohibition Act, 1961 in Crime No.9 of 2020 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant is wife of A-1. The allegation against the petitioners is that they have demanded huge dowry from the defacto complainant and she came to know that her husband/A-1 got married another women. Hence, the complaint.

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

4.The learned counsel appearing for the petitioners submitted that the petitioners are in-laws of the defacto complainant and they are innocent persons. He further submitted that A-1 is now working in abroad. He further submitted that due to matrimonial dispute between the parties they have been falsely implicated in this case. Hence, he seek anticipatory bail.

5. The learned counsel appearing for the intervener would submit that these petitioners are in-laws of the defacto complainant and now A-1 is working in abroad. He would further submit that the defacto complainant is residing with her parents.

6. The learned Government Advocate (Crl. Side), on instructions, submitted that matrimonial dispute is pending between the parties. He further submitted that these petitioners are in-laws of the defacto complainant and A-1 is working in Saudi Arabia.

6.Considering the fact and circumstances of the case and considering the fact that matrimonial dispute is pending between the parties and these petitioners are in-laws only, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.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 learned Judicial Magistrate No.I, Ramanathapuram, 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 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 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/-

05/10/2020

/ TRUE COPY /

/ /2020

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 JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KEELAKARAI,
RAMANATHAPURAM DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.7696 of 2020

Date : 05/10/2020

KSA

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

TE/SMA/SAR-11 : 08/10/2020 : 3P/5C