



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

Date : 14/09/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.9057 of 2020

1.Sheik Ahamed Kabeer
2.Mohamed Bilal

... Petitioners/Accused
Nos.1 and 2

Vs

1.The State rep.by
The Inspector of Police,
All Women Police Station,
Dindigul Dindigul District.
Crime No.06 of 2020

... 1st Respondent/Complainant

(*)2.Sabina Begum
(R2 Suo Motu Impleaded as Per Order of
this Court dated 28.08.2020 in
CRL OP(MD)No.9057/2020 by VBDJ)

... 2nd Respondent/ Intervener/
Defacto Complainant

For Petitioners : M/s.S.M.A.Jinnah, Advocate.
For Intervenor : Mr.D.S.Haroon Rasheed, Advocate
For R1 : 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. 06 of 2020 on the file of
the respondent police

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections 294
(b), 323, 498(A) and 506(i) of IPC, seek anticipatory bail.

2. Heard both sides.

3. The first petitioner is the husband of the defacto
complainant and the second petitioner is the uncle of the first
petitioner. The case of the prosecution is that the marriage between
the defacto complainant and the first petitioner took place in the
year 2003 and they are blessed with two children. Thereafter the



first petitioner has gone to Malaysia for employment and after returning back to India he is running a road side shop and also foot wear shop. Further they also availed money from the bank for constructing house and after constructing house the first petitioner totally abused the defacto complainant and also harassed her and driven her out of the matrimonial home. Now the defacto complainant is living in her parental home with her two children. Hence the complaint.

4. The learned counsel for the petitioners would submit that the first petitioner is working in Malayaia and he has sent money money to the defacto complainant for constructing house. He further submitted that he came to know that the defacto complainant was living in adultery and after coming back to India the first petitioner herein warned the defacto complainant to change her character. In the above circumstances the first petitioner has filed a petition for divorce in the year 2019, on the ground of adultery and the same O.P is pending. Hence the present petition is filed with the allegation of dowry demand against the petitioners.

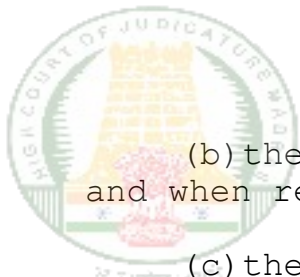
5. The learned counsel for the intervenor would submit that the first petitioner has received amount from the defacto complainant for constructing house and thereafter started harassing her and driven her out of the matrimonial home

6. The learned Government Advocate(Crl.Side) would submit that investigation is still pending.

7.Taking into consideration the facts and circumstances of the case and also taking note of the fact that there is no allegation of dowry demand or harassment and also the fact that a divorce petition is pending between the parties on the ground of adultery and also the fact that second petitioner is only uncle of the first petitioner and there is no substantial allegation against him, this Court is 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, Dindigul on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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



(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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/09/2020

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

ORDER IN
CRL OP(MD) No.9057 of 2020
Date : 14/09/2020

AAV
TK/JC/SAR.1/16.09.2020/3P/4C