



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 08/10/2020

WEB COPY

PRESENT

The Hon`ble Mr.Justice **G.K.ILANTHIRAIYAN**

CRL OP(MD).No.11007 of 2020

1.MOHAMED ARFFIN  
2.MARIYAM

...PETITIONERS/ACCUSED NO.1&2

VS

STATE REP.BY  
THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
TALLAKULAM, MADURAI CITY.  
(CRIME.NO.28 OF 2020)

... RESPONDENT/COMPLAINANT

For Petitioners: Mr.K.Selvan,  
Advocate.

For Respondent : Ms.M.Anandhadevi,  
Government Advocate (Crl.Side)

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

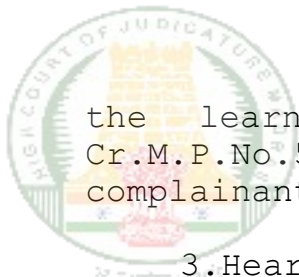
PRAYER :-

For an Anticipatory Bail in Crime No.28 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 & A2, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 506(i) IPC, in Crime No.28 of 2020, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the first petitioner marriage was solemnized on 26.07.2018, after the marriage, the petitioners are harassing the defacto complainant for additional dowry. Due to such harassment the defacto complainant went to her parental home on 02.04.2020. After that on 07.08.2020, the petitioners were went to the defacto complainant's parental home and causing life threat to the defacto complainant. Hence, the defacto complainant gave a complaint to the respondent and filed a petition under Section 156(3) Cr.P.C. Before



the learned Judicial Magistrate (Mahila Court), Madurai in Cr.M.P.No.5164 of 2020. Based on the complaint given by the defacto complainant, the respondent police registered the case.

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 first petitioner is the husband of the defacto complainant and the second petitioner is the mother of the first petitioner. The defacto complainant compelled the first petitioner to desert his mother, when he refused the condition of the defacto complainant, she gave a false compliant against the petitioners.

5.The learned Government Advocate (Crl.Side), on instructions, submitted that it is a matrimonial dispute and the investigation is pending.

6.Considering the facts and circumstances of the case and also considering the fact that there is a matrimonial dispute between the first petitioner and the defacto complainant, 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 two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate (Mahila Court), Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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/-  
08/10/2020

/ 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  
(MAHILA COURT), MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,  
MADURAI.
- 3 THE INSPECTOR OF POLICE,  
ALL WOMAN POLICE STATION,  
TALLAKULAM, MADURAI CITY.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.SELVAN, Advocate ( SR-6881[I] dated 09/10/2020 )

ORDER  
IN  
CRL OP(MD) No.11007 of 2020  
Date :08/10/2020

vsd  
JM/PN/SAR III/12.10.2020/3P/6C