



WEB COPY

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

Date : 14/10/2020

PRESENT

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

CRL OP(MD) . No.11328 of 2020

1. N.Mohamed Ibrahim

2. M.Rahana Begam,

Correct Name is Rahimal Beevi

... Petitioners/5 and 6 Accused

Vs

State through,
The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli District
Crime No. 19 of 2020.

... Respondent/Complainant

For Petitioner : M/s.M.A.M.Raja,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No.19 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners are the apprehending arrest at the hands of the
respondent police for the offences punishable under sections
294(b), 323, 406, 498 (A), 506(i) of IPC and Section 4 of Dowry
Prohibition Act, 1961, in Crime No.19 of 2020 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners herein
demanded a sum of Rs.10,000/- as dowry from the defacto complainant
for her matrimonial life and they also harassed her. 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 the husband and wife and they are distant relatives of the accused No.1. He further submitted that they are innocent persons and they have been falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioners.

5. The learned Government Advocate (Crl. Side), on instructions, submitted that the petitioners are arrayed as accused Nos. 5 & 6. The petitioners herein demanded a sum of Rs.10,000/- as dowry from the defacto complainant for her matrimonial life and also harassed her. Hence, he opposed to grant anticipatory bail to the petitioners. He further submitted that the 2nd petitioner name is wrongly mentioned in the FIR as M.Rahana Begam. Her **Correct Name is Rahimal Beevi.**

6. Considering the fact and circumstances of the case and considering the fact that the petitioners are only distant relatives of A1, 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 his 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, Tirunelveli, 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 1st petitioner shall report before the respondent police as on 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 petitioner in accordance with law as if the conditions



have been imposed and the petitioner 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/petitioner thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/10/2020

/ 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, TIRUNELVELI
- 2.DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, PALAYAMKOTTAI,
TIRUNELVELI DISTRICT
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11328 of 2020
Date :14/10/2020

DSS
PK/AKM/SAR-IV/16.10.2020 : 3P/5C