

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Monday, the Nineteenth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7085 of 2021

RAFFIC ABDUL RAHIM

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVALLUR,
THIRUVALLUR DISTRICT.
CR.NO.4 OF 2021

For Petitioner : M/S. C.S.SARAVANAN Advocate

For Respondent : MR.T.SHUNMUGARAJESWARAN,
Government Advocate (crl.side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 294(b) of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.4 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner got married the daughter of the defacto complainant, after the marriage, the petitioner along with his family members had demanded additional dowry and harassed the daughter of the defacto complainant. Hence, the complaint was registered.

3. Heard the learned counsel appearing for the petitioner, the learned counsel for the intervenor/ defacto complainant and the learned Government Advocate (Crl.Side) appearing for the respondent.

4. The learned counsels submitted that a compromise has been arrived at between the parties. Both the parties have filed a joint memo compromise, wherein para 1 and 2, they have stated as under:-

'1. The Petitioner and Defacto complainant Daughter state that the marriage was solemnized between them as per the Islamic customs and rites on 01.12.2016. Out of the said wedlock, both are blessed with female child namely Ashara Fathima aged about 2 ½ years. After gave birth to female child there arose difference of opinion between the De-facto complainant's Daughter and the Petitioner and as such the Petitioner did not chosen to get back her wife namely Mrs.Khader Bi and his daughter Ashara Fathima.

2. The Petitioner and the De-facto complainant's Daughter stated that as of now compromise arrived between them and both are ready to live together along with their child namely Ashara Fathima. Hence, they have filed this Joint Memo stating that they are ready to live together along with their female child namely Ashara Fathima.'

5. Considering the facts and circumstances of the case, both the parties have filed a Joint memo compromise stating that they are ready to live together along with their female child namely Ashara Fathima. The complaint being on account of a matrimonial dispute and there being no previous case pending against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate No.II, Thiruvallur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

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

-sd/-

19/04/2021

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.II, THIRUVALLUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVALLUR,
THIRUVALLUR DISTRICT.

+1 CC to M/S. C.S.SARAVANAN Advocate on payment of necessary charges SR.No.5080

CRL OP.7085/2021

Date :19/04/2021

cs 28/04/2021