



IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Criminal Jurisdiction)

Thursday, the Twenty Sixth day of August Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI
CRIMINAL ORIGINAL PETITION No.15337 of 2021

1 MOHAMED SALEEM [PETITIONERS / ACCUSED]
2 SALAMATH BEGAM
3 HAJAMAIDEEN
4 BHASEER AHAMED
5 ABDUL MALIK
6 JAHABAR NACHIYA

Vs

STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVARUR DISTRICT.
CRIME NO.10/2021.

For Petitioners : M/S.M.MOHAMED RIYAZ Advocate

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)

For Intervenor : MR.M.SWAMI SUBRAMANIAN Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498(A) and 506(ii) of IPC in Crime No.10 of 2021, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the de-facto complainant and the 1st petitioner was solemnized on 05.07.2021 and immediately within three days, the petitioners demanded huge dowry from the de-facto complainant. Hence the Law Enforcing Agency registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the de-facto complainant is not mentally fit for the marriage. However, suppressing the mental imbalance of the de-facto complainant, the marriage was performed. He would further submit that



if any psychiatric treatment is taken by the de-facto complainant for her marriage life, the petitioners are ready to accept her. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned counsel for the intervenor vehemently opposed to grant anticipatory bail to the petitioners and the de-facto complainant is ready to subject herself for medical tests.

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

6. This Court perused the materials on record and it is open to both the de-facto complainant and the 1st petitioner to subject themselves for medical test with doctor, who is expert in psychiatric.

7. Considering the facts and circumstances of the case and the allegations made against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

8. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Tiruvarur, on condition that the petitioners shall execute a separate 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 petitioners 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 1st petitioner shall report before the respondent police daily at 10.30 a.m until further orders and the petitioners 2 to 6 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;

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(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-
26/08/2021

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

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

TO

1 THE JUDICIAL MAGISTRATE,
TIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary charges SR.NO. 9198

CRL OP.15337/2021

Date :26/08/2021

JPA 03/09/2021