



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

Tuesday, the Fourteenth day of September Two Thousand Twenty One

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PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.16679 of 2021

1 MOHAMED TIPPOU SULTAN [PETITIONERS / ACCUSED]
2 MOHAMED JAHABAR SADIQ MARAICAR
3 M.SHAJAHAN

Vs

UNION TERRITORY OF PUDUCHERRY REP.BY, [COMPLAINANT /RESPONDENT]
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKAL, PUDUCHERRY.
CR.NO.0002 OF 2021.

For Petitioner : M/S.N.A.NISSAR AHMED Advocate

For Respondent : MR. BHARATHACHAKRAVARTHY,
Public Prosecutor (Puducherry)

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 offence under Section 498 A r/w 34 IPC, in Crime No. 0002 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage of the defacto complainant and A1 was performed. Thereafter A1 and other accused left France and committed cruelty and the same was questioned by the defacto complainant and informed to the petitioners. However the petitioners also abused the defacto complainant and committed cruelty. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners did not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. In fact they are relatives of A1.



4.The learned Government Advocate (Crl.Side) submits that investigation is pending. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Considering the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners is 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 learned Judicial Magistrate II, Karaikal on condition that the petitioners 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 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 petitioners 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 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.

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-sd/-
14/09/2021

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 II,
KARAIKAL.

2 THE CHIEF JUDICIAL MAGISTRATE,
PONDICHERRY (FOR INFORMATION).

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARAIKAL, PUDUCHERRY.

4 THE PUBLIC PROSECUTOR,
PONDICHERRY.

+1 CC to M/S.N.A.NISSAR AHMED Advocate on payment of necessary charges SR.NO.10844

CRL OP.16679/2021

Date :14/09/2021

INBA 01/10/2021