



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.20273 of 2021

1 SHAHUL HAMEED
2 SIRAJI NISHA
3 MASUDHA BARVEEN

[PETITIONERS / ACCUSED]

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVARUR.
(CRIME NO.6/2020)

[RESPONDENT]

For Petitioner : M/S B.JAWAHAR Advocate

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

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 Sections 498A IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Cr.No.6 of 2020, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is married with the 1st petitioner on 06.01.2011 and after marriage, the 1st petitioner along with his family members have jointly harassed the defacto complainant and demanded dowry. Hence this complaint.

3.The learned counsel appearing for the petitioner s submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case and hence prays for grant of anticipatory bail.

4.The learned Government Advocate (Crl.Side) submitted that the investigation is pending in this case and there are no previous cases pending against the petitioners.



5. On bare perusal of the FIR, it could be seen that there is no specific overt act against the petitioners 2 and 3 / in-laws and it appears that the entire allegations are only against A1 / husband and therefore, considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 and since the allegation against the 1st petitioner is serious in nature, this Court is not inclined to grant anticipatory bail in respect of the 1st petitioner and therefore, this Criminal original Petition is dismissed in respect of the 1st petitioner and allowed in respect of the petitioners 2 and 3.

6. Accordingly, the petitioners 2 and 3 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 petitioner 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) if the petitioners 2 and 3 failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) the petitioners 2 and 3 shall report before the respondent police daily at 10.30 a.m. until further orders;

(d) the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 2 and 3 shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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;



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

WEB COPY

-sd/-
29/10/2021

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,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVARUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S B.JAWAHAR Advocate on payment of necessary charges
SR.NO.12426

CRL OP.20273/2021

Date :29/10/2021

CSK 10/11/2021