



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:16.12.2021

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.20887 of 2021

1.Syed Sabiyudeen
2.Kuthbudeen
3.Meharaj Nisha
4.Nafila Parveen

... Petitioners

Vs.

The State Rep. by
The Inspector of Police,
All Women Police Station,
Thiruvarur,
Thiruvarur District.
(Crime No.14 of 2021)

... Respondent

PRAYER: Criminal Original Petition has been filed under Section 438 of Cr.P.C praying to enlarge the petitioner on bail in the event of their arrest by the respondent police in connection with the Crime No.14 of 2021 on the file of the respondent Police.

For petitioners : Mr.J.Ramkumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 498A and 506(i) of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.14 of 2021 seek anticipatory bail.

2. The case of the prosecution is that, on 17.03.2019, marriage was solemnized between A1 accused with one Benazir Parveen at Boothamangalam as per Islamic Right and custom. At the time of marriage, the accused/A1 had given 15 sovereign gold jewels as mahar and spent a sum of Rs.4,00,000/- for dress materials and Rs.6,00,000/- for marriage expenses and out of the wedlock, on



11.05.2020, one male child had been born. After delivery, the wife of A1 went to her parents house. The further case of the prosecution is that the in-laws of the de facto complainant had demanded that the remaining dowry should be given within six months after the marriage, that during the stay at her in-laws residence, the de facto complainant came to know that the 1st petitioner was not working abroad and when the de facto complainant questioned the same, some quarrels arose between her and the petitioners. Hence, the complaint.

3. The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and the 1st petitioner is ready and willing to take care of his wife and child. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate [crl.side] submitted that there is a family dispute between the parties and investigation is almost completed.

5.Taking into consideration, the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions.

6.In view of the facts and circumstances and considering the nature of the family issue between the parties, this Court directs the 1st petitioner to go for mediation with the de facto complainant at Mediation and Conciliation Centre, Thiruvavarur District, on five sittings.

7.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 on which the order copy made ready, before the learned Judicial Magistrate, Thiruvavarur, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only), with two sureties 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, failing which, the petition for anticipatory bail shall stand dismissed 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 petitioners shall report before the respondent police every Saturday at 10.30 a.m, for a period of four 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].

[f] If the accused persons thereafter abscond, a fresh FIR can be registered under Section 229A IPC.

-sd/-

16/12/2021

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 DISTRICT [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.J.RAMKUMAR Advocate on payment of necessary charges
SR.NO.14938

CRL OP.20887/2021

Date :16/12/2021

CSK 22/12/2021