



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 22.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25185 of 2021

WEB COPY

1.S. Tajdeen

2.Banu @ Sumiya Banu

... Petitioners

Versus

State Rep by

The Inspector of Police

Palladam Police Station,

Tiruppur.

(Crime No.1876 of 2021)

... Respondent

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.1876 of 2021 pending investigation on the file of the respondent police.

For Petitioners: M/S.M.Mohamed Riyaz

For Respondent : Mr.A.Gokulakrishnan

Additional Public Prosecutor

Order

The petitioners, who apprehend arrest for the alleged offences under Section 294(b), 420 of IPC in Cr.No.1876 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the 1st petitioner being the brother in law of the defacto complainant sifted her residence with her husband to Pollachi and for which the 1st petitioner agreed to arrange a house for lease and thereafter, the defacto complainant paid an amount of Rs.2,90,000/- to him however, the house was not arranged. Further, the defacto complainant's husband shared some posts in Face Book about the 1st petitioner for which, the 2nd petitioner being the wife of the 1st petitioner abused the defacto complainant in filthy language via social media. Hence, the defacto complainant lodged a complaint against the petitioners.

3.The learned counsel appearing for the petitioners submit that that the 1st petitioner's brother by name Sahul Hameed's daughter, who born through 1st wife of said Sahul Hameed, got inter religious



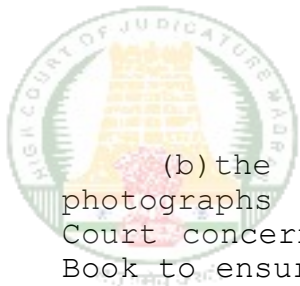
marriage at Thrisur on 09.07.2020 and in which the petitioners attended the said marriage function. Since, the 1st petitioner's brother who had not supported the marriage, did not like the participation of the petitioners in the function and out of such grudge, the present FIR was lodged through the defacto complainant. However, the learned counsel, on instructions, further submits that the petitioner, without prejudice to his rights, is ready to deposit a sum of Rs.50,000/- to the credit of the crime number and also conceded to be disbursed to the defacto complainant as per the Court order. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that by believing the words of the 1st petitioner, the defacto complainant has transferred an amount of Rs.2,90,000/-. Since, the defacto complainant is a handicapped person, she was unnecessarily harassed by the petitioners. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the fact that there was family dispute with regard to money transaction and that the petitioner, on his own volition, is ready to deposit an amount of Rs.50,000/- to the credit of the Crime number, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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, Palladam 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) the petitioners shall deposit a sum of Rs.50,000/- (Rupees Fifty Thousand Only) in total to the credit of Cr.No.1876 of 2021 before the learned Judicial Magistrate, Palladam within a period of three weeks from the date of receipt of a copy of this order. On such deposit being made, the learned learned Judicial Magistrate, Palladam shall disburse a sum of Rs.50,000/- to the defacto complainant obtaining an affidavit of undertaking from the defacto complainant that in the event of the petitioners succeeding the case, the amount of Rs.50,000/- received by her would be returned back to the petitioners to the credit of Cr.No.1876 of 2021 will be returned to the petitioners within a period of two weeks from the date of deposit.



(b) 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;

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(c) the 1st petitioner is directed to appear 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 and the 2nd petitioner shall appear before the respondent police as and when required for interrogation;

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

(e) the petitioners 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 in accordance with law as if the conditions have been imposed and the petitioners released on anticipatory 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.

-sd/-

22/12/2021

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,
PALLADAM

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR (FOR INFORMATION)

3 INSPECTOR OF POLICE,
PALLADAM POLICE STATION,
TIRUPPUR



4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.M.MOHAMED RIYAZ Advocate on payment of necessary
charges Sr.15560

CRL OP.25185/2021

Date :22/12/2021

RVR 28/12/2021