



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 29/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.298 of 2021

- 1.Kothar Maideen
- 2.Vava Meeral Papathi
- 3.Seiyadu Ali Fathima @ Syedali Fathima
W/o.Seiyaadu Ibrahim
- 4.Seiyadu Ali Fathima
W/o.Kumar @ Sivamurugan

... Petitioners/Accused
Nos.1 to 4

Vs

The State rep.by
The Inspector of Police,
All Women Police Station, Kovilpatti,
Thoothukudi District.
Crime No.8/2020

... Respondent/Complainant

For Petitioners : Mr.S.Krishnan,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

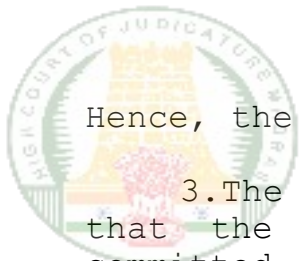
PRAYER :-

For Anticipatory bail in Crime No.8 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(1), 498(A) IPC r/w Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act in Crime No.8 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the marriage between the first petitioner and the defacto complainant was solemnized on 04.12.2016. After marriage, the first petitioner and other in-laws harassed the defacto complainant by demanding additional dowry.



Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that it is a matrimonial dispute and investigation is pending.

5.It is seen that the first petitioner and the defacto complainant got married in the year 2016 and they blessed with one child. From the year 2017 they got separated. The defacto complainant filed a maintenance case in M.C.No.101 of 2018 before the Judicial Magistrate, Kovilpatti, which is still pending. The first petitioner filed a divorce petition in the year 2018 and subsequently, withdrawn the same. The other petitioners herein are in-laws of the defacto complainant. The main allegation is that the first petitioner is having some illegal relationship and the same was appreciated by the family members. Further, it is seen that the matter was referred to mediation. However, permanent alimony could not be reached.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

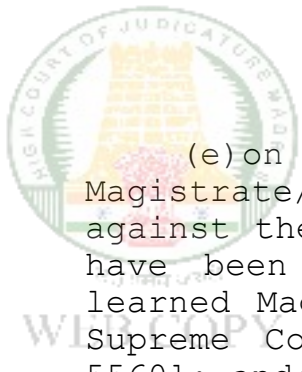
7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kovilpatti, Thoothukudi District, on condition that the petitioners 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 to 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall appear 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;

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

sd/-
29/03/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.I,
KOVILPATTI, THOOTHUKUDI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, KOVILPATTI,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.298 of 2021
Date : 29/03/2021

GNS
TK/VR/07.04.2021/3P/5C