



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

Date : 01/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.2164 of 2021

1.M.Noorul Ameer
2.M.Baslur Rahman

... Petitioners/Accused
No.1 and 2

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Alankulam, Tenkasi District.
Crime No.2/2021.

... Respondent/Complainant

For Petitioners : Mr.R.Anand,
Advocate.

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

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

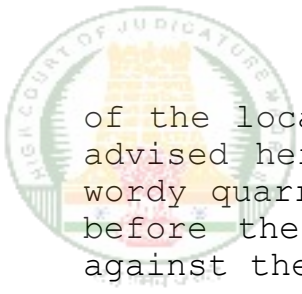
PRAYER :-

For Anticipatory Bail in Crime no.2 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1 and A2, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 323, 354A and 109 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner is the husband of the de-facto complainant. The second petitioner is the in-laws of the de-facto complainant. The marriage between the petitioner and the de-facto complainant was solemnized 25 years back and out of the marriage, they have got three daughters. The first daughter was married to one Mohammed Thaha on 10.02.2019 and out of the marriage they have a child. During November 2020, the de-facto complainant's first daughter was chased away from her matrimonial house, which was not questioned by the petitioners 1 and 2 and thereafter, the second petitioner who happened to be the President



of the local Jamath, called the de-facto complainant's daughter and advised her to living with her husband. Due to which, there was a wordy quarrel between the parties and hence, she lodged a complaint before the respondent police. Hence, a case has been registered against the petitioners.

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3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent person and they have been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that it is a family dispute, the de-facto complainant's first daughter was not willing to live in a joint family and wanted a separate nucleus family, which was not agreeable by her husband. The petitioners and local Jamath President also called the de-facto complainant's daughter and advised her to live with her husband and also supported the de-facto complainant's son-in-law. Due to which, there was a wordy quarrel between the petitioners and the de-facto complainant, the case was registered against the petitioners.

5.Considering the facts and circumstances of the case and also considering the fact that it is a family dispute and there is no specific overt act attributed against the petitioners, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangulam, Tenkasi 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 report 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
01/03/2021

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/ /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, ALANGULAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ALANKULAM, TENKASI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to Mr.R.ANAND, Advocate (SR-1683[I] dated 02/03/2021)

ORDER
IN
CRL OP(MD) No.2164 of 2021
Date : 01/03/2021

SJI
TK/PN/SAR.2/08.03.2021/3P/6C