



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

Date : 05/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.3304 of 2021

1. A.Azharudeen
2. Abdul Kuddus
3. Shakila Begum
4. Thasleem Banu

... Petitioners/Accused 1-4

Vs

The State Rep.by,
The Inspector of Police,
All Women Police Station,
Srirangam, Trichy
Crime No.6 of 2021.

... Respondent/Complainant

For Petitioner : Mr.V.Illanchezian
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.6 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/Accused 1 to 4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498-A, 406 and 506 (I) of IPC r/w Section 4 of Tamil Nadu Prohibition of Women Harassment Act 2002, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of the first petitioner and other petitioners are in-laws of the de-facto complainant. The petitioner and other accused persons are said to have demanded dowry and harassed the de-facto complainant. Hence, the complaint.

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



4.The learned Government Advocate(Crl.Side) appearing for the respondent would submit that enquiry is pending based on the complaint given by the de-facto complainant.

5.It is seen that the marriage between the first petitioner and the de-facto complainant was solemnized on 18.09.2016. Thereafter, the petitioners started harassing the de-facto complainant demanded more dowry. Further, it is seen that the first petitioner had some problem undergone IVF test for the child and it was also failed. Unable to bear any further, the complaint was made to the Jamat members on 13.06.2020 as per the relatives customs an agreement was arrived and thereafter, 11 sovereigns of gold chain, which was given as a Mahar was also returned. Now the grievance of the de-facto complainant is that the petitioners to hand over the photographs captured in the first petitioner's phone and hand over the other articles.

6.In view of the same, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions:

7.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-cum-Additional Mahila Court, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties (common 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:

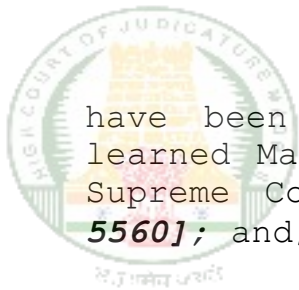
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police every Saturday and Sunday 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]***; and;

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

sd/-

05/03/2021

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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 CUM ADDITIONAL MAHILA JUDGE,
TRICHY

2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.

3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, SRIRANGAM, TRICHY.

4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to Mr.V.ILLANCHEZIAN, Advocate SR.No.1857

ORDER

IN

CRL OP(MD) No.3304 of 2021

Date :05/03/2021

sjj

PK/SMA/SAR-I/11.03.2021 : 3P/6C