



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

Date : 16/07/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice G.CHANDRASEKHARAN

CRL OP (MD) . No.3900 of 2021

and

CRL MP (MD) . No.2253 of 2021

1. Mohamed Madani
2. Mohamed Mohideen @
Mohamed Mohideen Madani ... Petitioners/Accused No.1 and 2

Vs

The State Rep. by,
The Inspector of Police,
Tallakullam Police Station,
Madurai City.
(Crime No.251/2021).

... Respondent/Complainant

For Petitioners : Mr.S.M.A.Jinnah,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

For Intervenor : No appearance

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

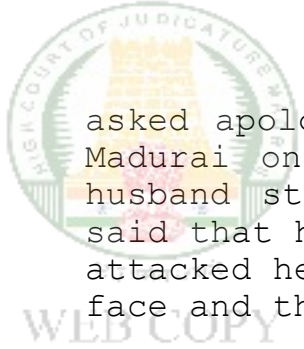
PRAYER :-

For Anticipatory Bail in Crime No.251 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 alleged offences punishable under Sections 342, 323 and 324 of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.251 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant has two children. Her husband married one Rabiya as the second wife on 02.07.2020 without the knowledge of the de-facto complainant. Thereafter, her husband did not visit her. Her father-in-law tried to misbehave with her sexually. Further, he showed his private part and committed sexual assault. Therefore, she left to her native at Periyakulam. Then, both her husband and father-in-law met her and



asked apology for the above incident. Therefore, she came again to Madurai on 05.03.2021 at about 05.45 p.m. Thereafter, again her husband started harassing and scolded her in filthy language and said that his father would do like that. Her father-in-law has also attacked her and they are tried to kill her by placing pillow on her face and therefore, this case came to be registered.

3.The learned counsel for the petitioners submitted that the petitioners are innocents and they have been falsely implicated in this case. Hence, they seek anticipatory bail.

4.The learned Government Advocate (Crl.side) for the respondent opposed this petition on the ground that investigation is not completed.

5.Mr.Peer Mohammed, learned counsel filed a intervention petition. However there was no representation for the intervenor on 14.07.2021 and again today, there is no representation for the intervenor.

6.During the course of submission, the learned counsel for the petitioner submitted that the issue between the de-facto complainant and the first accused had been resolved and both of them are living together.

7.Considering the submission of the learned counsel for the petitioner, this Court is inclined to grant anticipatory bail to the petitioners with conditions.

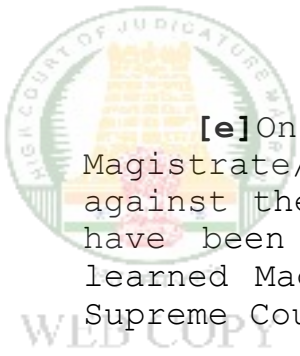
8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Madurai District, on condition that the petitioners shall execute 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 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, daily at 10.30 a.m., until further orders;

[c]the petitioners shall not tamper with evidence or witness either during investigation or trial;

<https://hcservices.e-governance.gov.in/hcservices> **[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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

9. Consequently, connected miscellaneous petition is closed.

sd/-
16/07/2021

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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 NO.II,
MADURAI DISTRICT.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
TALLAKULAM POLICE STATION, MADURAI.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.3900 of 2021
Date : 16/07/2021
and
CRL MP (MD) .No.2253 of 2021