



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/09/2021
PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9793 of 2021

1. Syed Mohammed
2. Rahamath Ali
3. VRS Sagupar @ Sagupar Sathik
4. Sekkathiammal @ sheikaathibeevi ... Petitioners/Accused No.1-4

Vs

1 The State rep.by,
The Inspector of Police,
AWPS Thiruvaadanai Police Station,
Ramanathapuram District.
(Crime No.6 of 2021)

2. Anis Fathima ... Respondents/Complainants

(R2 Impleaded as per the Order of
this court dated 08.09.2021 in
Crl.M.P.(MD).No.5749 of 2021 in
CRL.O.P.(MD).No.9793 of 2021)

For Petitioners : Mr.V.Dhana Aravindha Balaji, Advocate.
for M/S.Dhana Law Associates.
For Respondents : Mr.T.Senthil Kumar,
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, who apprehend arrest at the hands of the
respondent police for the alleged offences punishable under Sections
498(A), 294(B) and 506(2) of IPC and Section 4 of the Muslim Women
(Protection of Rights on Marriage) Act in Crime No.6 of 2021, seek
anticipatory bail.

2.The case of the prosecution is that there was a matrimonial
dispute between the first petitioner and the defacto complainant,
and the petitioners harassed the defacto complainant. Hence, the
complaint.



3.The learned counsel for the petitioner submitted that the petitioners are innocents and they have been falsely implicated in this case.

4. Heard the learned Additional Public Prosecutor appearing for the respondent police.

5. This Court, by order dated 11.08.2021, referred the matter to the Social Welfare Officer to conduct enquiry and file a report. The Social Welfare Officer has also filed a report stating that the defacto complainant has not appeared for enquiry and there is no scope for re-union of the parties.

6.Considering the facts and circumstances of the case, the nature of allegation levelled against the petitioners, and also the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, this criminal original petition is allowed and 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, Thiruvaadanai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

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

(b)the petitioners shall report before the respondent police as and when required.

(c)the petitioners shall not tamper with the 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/-
28/09/2021

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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,
THIRUVAADANAI.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION THIRUVAADANAI POLICE STATION,
RAMANATHAPURAM DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.DHANA LAW ASSOCIATES, Advocate (SR-6699[I] dated 29/09/2021)

ORDER
IN
CRL OP(MD) No.9793 of 2021
Date :28/09/2021

SSB
MK/SKN/SAR.III/04.10.2021/3P/6C