



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

Date : 24/08/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI
CRL OP(MD). No.11689 of 2021

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Asraf Ali Khan,

... Petitioner/Accused No.7

Vs

State rep by
The Inspector of Police,
All Women Police Station,
Karaikudi, Sivagangai District.
(Crime No.14/2021).

... Respondent/Complainant

For Petitioner : M/s.Suresh. M,
Advocate.

For Respondent : Mr.T.Senthilkumar
Government Advocate (Crl.Side)

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

PRAYER :-

For the Anticipatory Bail in Crime No.14 of 2021 on the file of
the Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offence punishable under Section
294(b), 494 and 506(i) IPC and Section 4 of the Prohibition of
Harassment of Women Act in Crime No.14 of 2021, seeks anticipatory
bail.

2.The case of the prosecution is that totally there are eight
accused in this case and the petitioner is A7. The first accused
Hameed Ibrahim Minhal married the *defacto* complainant and they are
having one female child. Due to misunderstanding between them, they
were living separately. While so, the first accused with the help of
other accused including the petitioner married the fifth accused.
Hence the complaint.

3.The learned counsel for the petitioner submitted that the
petitioner believing the words of the first accused, being the
President of the Jamaadh has conducted the marriage of the first
accused and the fifth accused and he was unaware of the marriage of
the first accused with the *defacto* complainant. However, he has been
fully involved in this case.



4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted the petitioner and other accused solemnized the marriage of the first accused with the fifth accused. There is no bad antedecednet against the petitioner.

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5.Considering the facts and circumstance of the case and the nature of allegations levelled against the petitioner this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Karaikudi, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

[a]the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[c]the petitioner shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/08/2021

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



TO

1.The Judicial Magistrate,
Karaikudi.

2.Do-Through The Chief Judicial Magistrate,
Sivagangai District.

3.The Inspector of Police,
All Women Police Station, Karaikudi,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER IN
CRL OP(MD) No.11689 of 2021
Date : 24/08/2021

TR/JC/SAR-I (27.08.2021) 3P 5C