



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/03/2021

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PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP(MD). No.15771 of 2020

Sheik Kadhar

... Petitioner/Accused No.1

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Melur, Madurai District.
(Crime No.15/2020).

... Respondent

For Petitioner : Mr.Amjadkhan.T, 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.15/2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 406, 417, 494, 294(b), 506(i) and Section 109 of IPC seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the defacto complainant and the first accused was solemnized on 06.07.2017 and at the time of marriage 40 sovereigns of gold jewels and Rs.2,00,000/- worth household articles were given as dowry. After 9 days of marriage the first accused left India and went to Kuwait for his job. The defacto complainant requested A1 to take her to Kuwait but she was not taken. Thereafter she left the matrimonial home and went to her parental home and started working in a private bank. On 05.07.2019 A1 came from abroad and tortured the defacto complainant to give mutual divorce. Thereafter on 14.09.2019 A1 filed a complaint before the South Gate, Jamath as the defacto complainant is not willing to join with the first accused. Later she came to know from the third person that A1 got



married with the A2 at Chennai on 08.05.2017 when the first marriage was in existence. Hence the complaint.

3. Since it is a matrimonial dispute and there is possibility for settlement the matter is referred to mediation. Mediation report also received. From the perusal of the mediation report it is seen that A1 seems to be very tough and adamant and not willing to living with the defact complainant. Further it is also seen that the defacto complainant is ready to accept the second marriage of the petitioner herein. It is also seen from the report that investigation in this case is completed and charges has been made against all the accused persons.

4. Taking into consideration the facts and circumstances of the case and also taking note of the fact that it is a matrimonial dispute, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Melur, Madurai District 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 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with 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]**; and;

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



6. This Court places its appreciation to Mr.S.M.A. Jinnah for taking all his efforts in conducting mediation

7. Further trial Court is directed to take all steps to complete the trial without any delay.

sd/-

05/03/2021

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

ORDER

IN

CRL OP(MD) No.15771 of 2020

Date :05/03/2021

AAV

TE/JC/SAR-II : 10/03/2021 : 3P/5C