



IN THE HIGH COURT OF JUDICATURE AT MADRAS

( Criminal Jurisdiction )

Thursday, the Seventeenth day of March Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.6179 of 2022

1 MOHAMED SALMAN KHAN  
2 SURIYA BEGUM  
3 NAZEEMA  
4 SULTHANA  
5 RIZWANA BEGUM  
6 FAHMIDA BEGUM

[ PETITIONERS / ACCUSED ]

Vs

THE STATE REP BY ITS,  
THE INSPECTOR OF POLICE,  
AWPS-TIRUVANNAMALAI POLICE STATION,  
TIRUVANNAMALAI DISTRICT.  
CRIME NO.8 OF 2022.

[ RESPONDENT ]

For Petitioner : M/S.K.ASHOK KUMAR Advocate

For Respondent : M/S.S.SANTHOSH, Govt. Advocate ( Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 498(A), 313, 342, 406 and 506(II) of IPC and Section 4 of Muslim Women (Protection of Rights on Marriage) Act, 2019 in Crime No.8 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The de facto complainant is the wife of the first petitioner, alleging that her husband along with his family members causing harassment to her, demanding dowry and also made attempt to murder her. Hence, the complaint has been lodged.



3. On perusal of the FIR, it indicates that there was forceful abortion of fetus earlier and after the child birth, there was demand of jewels and money under the pretext of celebrating birthday to the new born. Later, there was threat to life of the de facto complainant and thereafter, her father has taken her back to the maternal home, it also appears from the complaint as well as the petition for anticipatory bail, this Court understands that, the first petitioner has initiated Talaq proceedings and specifically, it is the allegation of the de facto complainant that the other petitioners are inducing the first petitioner to divorce the de facto complainant for pronouncing Talaq.

4. Considering the complaint and the allegation made against this petitioner, this court is of the view to gracefully save the matrimonial relationship, this Court is inclined to grant anticipatory bail to the petitioners with a condition that the first petitioner should surrender his Passport to the Investigating Officer till the completion of the investigation.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the learned Additional Mahila Court at Magistrate level, Thiruvannamalai, on condition that each of the petitioners shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty thousand Only) each, with two sureties, each for a like sum to the satisfaction of the learned Magistrate, failing which the anticipatory bail shall stand cancelled 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the Investigation Officer daily at 10.30 a.m. until further orders;

(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 abscond, a fresh FIR can be registered under Section 229-A IPC.

WEB COPY

-sd/-

17/03/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)  
High Court, Madras - 600 104.

TO

1 THE ADDITIONAL MAHILA COURT  
AT MAGISTRATE LEVEL, TIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE  
TIRUVANNAMALAI DISTRICT. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,  
AWPS-TIRUVANNAMALAI POLICE STATION,  
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+1 CC to M/S.K.ASHOK KUMAR Advocate on payment of necessary charges SR.NO. 4128

CRL OP.6179/2022

Date :17/03/2022

RW 23/03/2022