



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the First day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.7520 of 2022

1 RIYAZDEEN
2 ABDUL RAHIMAN
3 MUMTAJ

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOORAMANGALAM,
SALEM CITY, SALEM.
(CRIME NO.3 OF 2022)

[RESPONDENT]

For Petitioner : M/S.S.VIJAYAKUMAR Advocate

For Respondent : MR.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 punishable under Sections 498(A) of IPC and 4 of the Dowry Prohibition Act, 1961, in Crime No.3 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The petitioners herein are the husband and in-laws of the defacto complainant. The marriage between the 1st petitioner and the defacto complainant took place on 17.02.2019, soon thereafter, there was discord between the family members and got separated. A civil suit and petition for restitution of conjugal rights are pending. In the said circumstances, complaint alleging dowry harassment and women harassment has been registered by the respondent police.

3. Considering the nature of the allegation and the submissions made by the petitioners counsel, this Court is of the view that custodial interrogation of the petitioners are not required. Hence,



this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

4. 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 Judicial Magistrate, Additional Mahila Court, Salem** on condition that each of the petitioners shall execute a separate bond for a sum of **Rs.50,000/- (Rupees Fifty Thousand Only)**, 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) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) 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;

(c) **the petitioners shall report before the respondent police daily at 10.30 a.m., until further orders;**

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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;



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

WEB COPY

-sd/-
01/04/2022

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 JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SOORAMANGALAM,
SALEM CITY, SALEM.

+1 CC to M/S.S.VIJAYAKUMAR Advocate on payment of necessary charges SR.NO.4979

CRL OP.7520/2022

Date :01/04/2022

TA-18/04/2022