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IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Ninth day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.10088 of 2022

1 SHAIK ADUL KADER [PETITIONERS / ACCUSED]
2 SIHABUDEEN ABDUL HAMEED

Vs

THE STATE REP.BY [RESPONDENT]
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVARUR.
CRIME NO.6 OF 2020.

For Petitioners : M/S.B.JAWAHAR 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/A4 & A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A) of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002 in Crime No.6 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the complaint against the petitioners regarding dowry harassment is made by Sulthana Sirin, the defacto complainant. The petitioners are close relatives of the defacto complainant's husband Shahul Hameed.

3.The learned counsel appearing for the petitioners submitted that the petitioners and the defacto complainant tried to Mediate their problem through Jamath. However, they have been arrayed as accused in this case.

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4.Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

5.Accordingly, the petitioners are ordered to be released on anticipatory 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, Tiruvarur, on condition that each of 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, failing which the anticipatory bail shall stand cancelled 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 Investigation Officer daily at 10.00 a.m for a period of 30 days from the date of receipt of a copy of this order;

(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.

-sd/-
29/04/2022

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

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

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TO

1 THE JUDICIAL MAGISTRATE,
TIRUVARUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUVARUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVARUR.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S.B.JAWAHAR Advocate on payment of necessary charges
SR.NO.6719

CRL OP.10088/2022

Date :29/04/2022

JPA 05/05/2022

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