



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice B.PUGALENDHI

CRIMINAL ORIGINAL PETITION No.10838 of 2022

IN CRL.MP.NO.6957 of 2022

IBRAHIM BASHA RAZAAK

[PETITIONER / ACCUSED]

Vs

THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (AWPS)
NAMAKKAL,
NAMAKKAL DISTRICT
CRIME NO.11 OF 2022.

[RESPONDENT]

RASHYABEGAM

[INTERVENER/DEFACTO COMPLAINANT]

(ORDERED AS PER ORDER OF THIS COURT DATED 01.06.2022 MADE IN
CRL.MP.NO.6957/202 IN CRL.O.P.No.10838/2022)

For Petitioner : M/S.ALI HASSAN KHAN Advocate for
M/S.M.RAM, Advocate

For Respondent : MR. N.MUTHUVEL, Govt. Advocate (Crl. Side)

For Intervener : M/S.T.WILSON EASTER RAJ, Advocate

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

ORDER : The Court Made the following order :-

The petitioner apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376, 417, 312, 506 (i) of IPC and Section 4 of Dowry Prohibition Act, 1961, in Crime No.11 of 2022, and he has filed this petition seeking for anticipatory bail.



2. The case of the prosecution is that the petitioner under the guise of marrying the defacto complainant had sexual intercourse with her as a result of which, the defacto complainant became pregnant. Subsequently, she was made to undergo abortion. Thereafter, when the defacto complainant's uncle approached the petitioner's family regarding marriage, the petitioner's parents demanded Rs.5 lakhs and 20 sovereigns of gold as dowry and threatened the defacto complainant to marry someone else failing which, they would upload the defacto complainant's nude pictures in the social media. Hence, the complaint.

3. The learned counsel appearing for the petitioner submitted that the petitioner never promised to marry the defacto complainant and a false case has been foisted against the petitioner. Hence, he prays for grant of anticipatory bail.

4. The learned Additional Public Prosecutor appearing for the respondent and the learned counsel for the intervenor would submit that the petitioner on the false promise of marrying the defacto complainant had sexual intercourse with her forcefully due to which, she became pregnant thrice which were subsequently terminated on the compulsion of the petitioner with the help of his friends. Thereafter, when the defacto complainant asked the petitioner to marry her, he refused the same. Thereafter, when it came to the knowledge of the defacto complainant's parents, they approached the petitioner's parents. But the parents of the petitioner demanded a sum of Rs.5 lakhs and 20 sovereigns of gold as dowry. Since, the defacto complainant's parents were not in a position to arrange the same, the petitioner refused to marry the defacto complainant and also threatened her stating that if she compels him to marry her, he would upload her nude photos and videos in the social media. Hence, they vehemently opposed for grant of anticipatory bail to the petitioner.

5. It appears that the petitioner and the defacto complainant are working under a same organization. Considering the age of the parties and the relationship between them, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions.

6. Accordingly, this Criminal Original Petition is allowed. 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 Additional Mahila Court, Namakkal, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties 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 daily at 10.30 a.m. until further orders.

[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 petitioners in accordance with law as if the conditions have been imposed and the petitioners are 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/-
01/06/2022

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, NAMAKKAL.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION (AWPS),
NAMAKKAL DISTRICT.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.



+1 CC to M/S.ALI HASSAN KHAN Advocate on payment of necessary
charges SR.NO. 8426

WEB COPY

CRL OP.10838/2022
IN

CRL.MP.NO.6957 of 2022

Date :01/06/2022

RW-03/06/2022