



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Cr1.O.P.No.25765 of 2021

WEB COPY

1. A.R.Yasmin  
2. Rahiman Mahaboob E wajid ...Petitioners

Versus

The State rep by the Inspector of Police  
W-32, All Women Police Station,  
Madipakkam, Chennai. ...Respondent

PRAYER: Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure, to enlarge the petitioners on bail in the event of their arrest in Crime No.12 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.W.M.Abdul Azeez

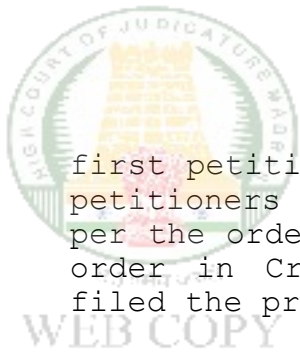
For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 406, 294(b), of IPC, in Crime No.12 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the first accused had married the defacto complainant. Further, the petitioners along with other accused persons had demanded dowry from the defacto complainant and harassed her. Hence, the complaint.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. He further submitted that the petitioners had already filed an anticipatory bail application before this Court in Cr1.O.P.No.14498 of 2020 and the same was allowed on 17.09.2020. He further submitted that the petitioners could not comply with the conditions imposed by this Court since they were residing at Guntakal, Andhra Pradesh and thereafter, the first petitioner got pregnant and as such they could not come and execute the anticipatory bail order in time. Now the



first petitioner had delivered a male baby on 15.09.2021 and both the petitioners are ready and willing to execute the anticipatory bail as per the order of this Court. But, since one year had lapsed after the order in Crl.O.P.No.14498 of 2020 came to be passed, hence, they filed the present anticipatory bail application before this Court.

4.The learned Additional Public Prosecutor submitted that the petitioners were already granted anticipatory bail by this Court in Crl,O.P.No.14498 of 2020 dated 17.09.2020.

5. Considering the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Alandur, Chennai, on condition that the petitioners shall execute a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 respondent police as and when required for interrogation.

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

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-sd/-

03/01/2022

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,  
ALANDUR, CHENNAI

2 THE CHIEF JUDICIAL MAGISTRATE  
CHENGALPATTU (FOR INFORMATION)

3 INSPECTOR OF POLICE,  
W-32, ALL WOMEN POLICE STATION,  
MADIPAKKAM, CHENNAI

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

CC to M/S W.M.ABDUL AZEEZ Advocate on payment of necessary charges Sr.16

CRL OP.25765/2021

Date :03/01/2022

RVR 06/01/2022