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District



21.

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 10/08/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . Nos.103, 80 and 335 of 2022

1 V.S.A.Rahim
(Wrongly Mentioned as Abdul Rahim in the FIR)

2.Kathiya Banu
(Wrongly Mentioned as Kathiya Begam in the FIR)

3.Mohammed Siddiq,
(Wrongly Mentioned as Siddiq Ali in the FIR)

4.Mohammed Farook Ali
(Wrongly Mentioned as Farook Ali in the FIR)

5.Mohammed Ashik Ali
(Wrongly Mentioned as Ashik Ali in the FIR)

6.Syed Abuthahir
(Wrongly Mentioned as Abuthahir @ Abu in the FIR)

... Petitioners/Accused No.5 to 10
in Cr1 OP(MD) .130/2022

1.Mohamed Hussain
(Wrongly Mentioned as Mohamed Ushan in the FIR)

2.A.M.Jabar Nisha
(Wrongly Mentioned as Jafar Nisha in the FIR)

3.A.M.Mohamed Imdhiyas
(Wrongly Mentioned as Mohamed Imdhiyas in the FIR)

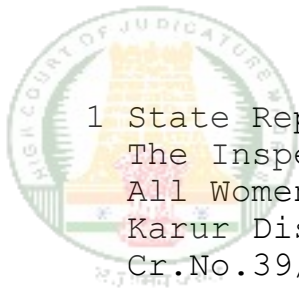
... Petitioners/Accused No.2,3 & 4
in Cr1 OP(MD) .80/2022

1.Mumtaj Begum

2.Sathick Basha
(Wrongly Mentioned as Manjuvali Sathik @ Babu in the FIR)

... Petitioners/Accused No.11 & 12
in Cr1 OP(MD) .335/2022

Vs



1 State Rep.by
The Inspector of Police,
All Women Police Station,
Karur District.
Cr.No.39/2021

... Respondent/Complainant
in all petitions

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2 Imrana Banu
(R2 is Suo Motu Impleaded as per order
of this Hon'ble Court dated 05.01.2022
in Cr1 OP(MD).80/2022)

... 2nd Respondent
in Cr1 OP(MD).80/2022

IN ALL PETITIONS

For Petitioner : M/s.B.Karunanithi, Advocate.
For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate (Cr1.Side)

PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.39 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 294(b), 323, 406, 498(A) and 506(i) IPC, in Crime No.39 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant married the first accused on 18.05.2011. Later, she was harassed by the accused persons demanding more dowry and hence, she driven out from matrimonial home. Due to the said issue, both her father and mother died. She returned to matrimonial home after the compromise arrived at between them and she was taken to Maharstra, where the first accused was doing business. There also she was assaulted and harassment was made by A1 and the first accused behaved like a psychiatric patient and in the drunken mood snatched her chain. Later, she came to know that the first accused married some other girl and bequeathed two children also. When that was questioned by the defacto complainant, the accused persons joined together and abused her in filthy language and she was also driven out from the matrimonial home. Hence, the complaint.

3.The learned counsel for the petitioners submitted that father of the first accused was in possession of 164.90 gms of gold jewels which belongs to the defacto complainant and they are also ready to return the same.



4. But, the counsel for the defacto complainant submit at the defacto complainant is having two children and the first accused has secured actual jewellery involved in this issue.

5. The learned Government Advocate (Crl. Side) for the respondent submitted that it is a matrimonial dispute between the parties and the investigation of the case is pending.

6. It is seen that the father in law of the de facto complainant is ready and willing to return the jewels which is available with him. If the de facto complainant is willing to receive the same, she can receive the same from the father in law with due acknowledgement and she can proceed against the first accused for the return remaining jewels.

7. Considering the fact that the father in law of the defacto complainant is ready and willing to return the jewels which is available with him and that there is no specific overt act is attributed against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

8. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned District Munsif cum Judicial Magistrate, Aravakurichi, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously.

9. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

sd/-

10/08/2022

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/08/2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE, ARAVAKURICHI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, KARUR DISTRICT.

3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
KARUR DISTRICT.

<https://www.mhjudiciary.org>



District



21.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/S.B.KARUNANITHI, Advocate (SR-8454[I] dated 12.08.2022)

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ORDER IN
CRL OP(MD). Nos.103, 80 and 335 of 2022
Date :10/08/2022

trp
RS/VR/SAR.4 (26.08.2022) 4P-6C