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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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(Criminal Jurisdiction)

Dated: 29/06/2022

PRESENT

The Hon'ble Mr.Justice **G.ILANGOVAN**

Crl.OP(MD)No.110 of 2022

Shiraz Sohail : Petitioner/A1

Vs.

1.The State rep. By
The Inspector of Police,
All Women Police Station,
Thiruverumbur,
Trichy District.
(Crime No.34 of 2021) : R1/Complainant

2.Nudrat Aziz Amreen : R2/De-facto Complainant
(R2 *suo motu* impleaded
as per the order of this court,
Dated 10/01/2022)

For Petitioner : Mr.M.Subash Babu

For 1st Respondent : Mr.B.Thanga Aravindh
Government Advocate
(Criminal side)

For 2nd Respondent : Mr.S.A.S.Alaudeen

PETITION FOR ANTICIPATORY BAIL under Sec.438 of Cr.P.C

PRAYER:-



C-8AB.For Anticipatory Bail in Crime No.34 of 2021
on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioner, who is arrayed as A1 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 342, 307 and 506(i) IPC r/w section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.34 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between A1 and the de-facto complainant, who is the 2nd respondent herein took place on 25/12/2014. After two weeks of marriage, the de-facto complainant was left in Bihar with her family. Whenever the de-facto complainant came to the matrimonial home, she was abused and started torturing physically and mentally. Later, she went to Kharagpur and stayed with her husband, who is the petitioner herein, wherein she was also abused and tortured. Because of the behaviour and bad conduct on the



part of the husband, she returned to her village. In the year 2016, she was informed that her husband was admitted in the hospital and so, she stayed back there and helped him to recover. In June 2017, a male child was born. Later, they were living in Delhi and the second child also born. In October 2019, even after the birth of the second child, the husband did not change his attitude and caused mental torture. He was also having extramarital affairs with one Research Student. He was also demanded divorce and talaq. Thereafter, there was a compromise between the parties. On 08/12/2021, she came down to Trichy and there she suffered harassment and torture at the hands of her husband namely the petitioner herein. At that time, the petitioner demanded Rs.5,00,000/-. When that was refused, she was assaulted and sustained injury also. In October 2019, her brother transferred Rs. 2,50,000/- to her account and her father also sent Rs. 1,00,000/- to the account of the petitioner, in March 2021 for maintenance. With these allegations, she lodged a complaint.

3. Seeking anticipatory bail, this petition came to be filed by the petitioner.



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4. Heard both sides.

5. Perusal of the records shows that several round of mediation process were undertaken. It is seen that the de-facto complainant remained absent continuously in the mediation centre, even this petitioner appeared for sometime. When that was brought to the notice of this court, the petitioner was directed to be present before this court in person. In pursuance of the direction, he was also present before this court in person and would submit that he is not in a position to get transferred to Bihar, since NIT branch is not having in Bihar. Because of the adamant attitude of the second respondent, the matter could not be settled. Now even now, the petitioner is ready for settlement. At the elders level also, compromise talk is also going on between the family of the couple. The children were also taken by the de-facto complainant to Bihhar.

6. Considering the present position of the petitioner and also considering the fact that they got two children of tender age and the effort that was by this court did



not yield any result. Under these circumstances subjecting the petitioner to the custodial interrogation may not be required, since the second respondent is not coming for a compromise.

7.Considering the above facts and circumstances of the case, this court is inclined **to grant anticipatory bail** to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Additional Mahila Court, Trichy and on his executing a 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 learned Judge concerned and the **petitioner shall appear before the respondent police, once in 15 days on Sunday at 10.00 a.m. until further orders.** The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioner shall appear before the concerned Judge 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.



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(G I J)
29.06.2022

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



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To,

- 1.The Inspector of Police,
All Women Police Station,
Thiruverumbur,
Trichy District.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Cr1.OP(MD)No.110 of 2022

29/06/2022



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