



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 14/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD) . No.6411 of 2022

1. Ameer Abbas
2. Kaja Mydeen
3. Allima
4. Ibrahim

... Petitioners/Accused No.1,2,3&5

Vs

1. The State Rep. by,
The Inspector of Police,
Thiruparankundram All Women Police Station,
Madurai District.
Cr.No. 12 of 2022.

... Respondent/Complainant

(*)2.Fahmitha Birthous

... 2nd Respondents

(*)R2 is Suo-Motu impleaded as per
order dated 06.04.2022 in Crl.OP(MD)
Nos.6399 and 6411 of 2022 by GIJ.

For Petitioner : M/s.Manoj Iammnuel S,
Advocate.

For R1 : Mrs.M.Aasha,
Government Advocate (Crl.Side)

For R2 : Mr.K.Gokul,
Advocate.

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A1, A2, A3 & A5, who apprehend arrest at the
hands of the respondent police for the offences punishable under
Sections 498(A) and 406 of IPC, in Crime No.12 of 2022, seek
anticipatory bail.



2.The first petitioner and the defacto complainant are husband and wife. The petitioners 2 and 3 are the parents and the fourth petitioner is the brother of the first petitioner. The marriage between the first petitioner and the defacto complainant was solemnized on 12.01.2020. Due to wedlock, they have blessed with a female child. From the third day of marriage, the first accused started to live with the defacto complainant in one portion of her parental home. During the lock down period, the first petitioner harassed the defacto complainant by demanding Rs.2 lakh for him, Rs.1.50 lakh for the petitioners 2 & 3 and Rs.1.50 lakh for the the fourth petitioner. The father of the defacto complainant arranged the above said amount and given the same to the first petitioner. After 3 months of marriage, Al used to talk with one girl namely, Yasmin and some boys in a bad manner and sent obscene messages and photographs to their mobile phones. When the same was questioned by the defacto complainant, he harassed her. Hence, she obtained Mubarath deed from the first petitioner through Jamath on 16.01.2021. Even after that, the first petitioner harassed the defacto complainant to live with her. Hence, the complaint.

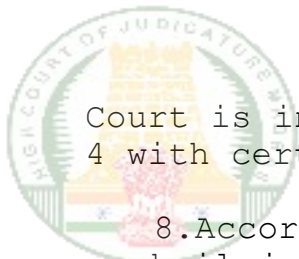
3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. He would further submit that the first petitioner went to the house of the defacto complainant for reunion. But, the defacto complainant not willing to reunion and filed a suit in O.S.No.17 of 2021 before the Family Court, Madurai, seeking divorce. The petitioner is always ready to live with the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned counsel for the second respondent would submit that even after obtaining Mubarath deed from the first petitioner, he harassed the defacto complainant to live with him. Further, the amount of Rs.5 lakh already given as additional dowry is not yet recovered. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.The learned Government Advocate (Crl.Side) would submit that the investigation is still pending. Hence, she strongly opposed to grant anticipatory bail to the petitioners.

6.At this juncture, the learned counsel appearing for the petitioners seek permission of this Court to not press this petition as against the first petitioner is concerned and he has also made an endorsement to that effect. In view of the same, this petition is dismissed as against the first petitioner is concerned.

7.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the petitioners 2 to 4 are in-laws of the de-facto complainant, this



Court is inclined to grant anticipatory bail to the petitioner 2 to 4 with certain conditions.

8. Accordingly, the petitioners 2 to 4 are ordered to be released on bail in the event of their arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Madurai, on condition that the petitioners 2 to 4 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 on further conditions that:

(a) the petitioners 2 to 4 and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners 2 to 4 shall report before the respondent police daily at 10.30 am until further orders.

(c) the petitioners 2 to 4 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 4 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 2 to 4 in accordance with law as if the conditions have been imposed and the petitioners 2 to 4 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 abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
14/11/2022

/ TRUE COPY /

/11/2022

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

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.



TO

1. THE ADDITIONAL MAHILA JUDGE,
MADURAI.
2. THE INSPECTOR OF POLICE,
THIRUPARANKUNDRAM ALL WOMEN POLICE STATION,
MADURAI DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.K.GOKUL, Advocate (SR-13120[I] dated 16/11/2022)

ORDER

IN

CRL OP(MD) No.6411 of 2022

Date :14/11/2022

dss

USK/SSS/SAR-I/23.11.2022/4P/5C