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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/09/2022

PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD) . No.12067 of 2022

Abdul Rahim Javid @ Javid M.A ... Petitioner/Accused No.1

Vs

1. State rep.by
The Inspector of Police,
All Women Police Station,
Karur District.
(Crime No.22/2021) Respondent/Complainant
- (*) 2. Yasmeen Parveen ... 2nd Respondent/Defacto
Complainant
- (*) (R2 *Suo-motu* impleaded as per order
of this Hon'ble Court dated 06.07.22
in Crl.O.P.(MD)No.12067/2022 by GIJ)

For Petitioner : M/s.Marimuthu.N, Advocate

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

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

PRAYER :-

For Anticipatory Bail in Crime No.22/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 323, 342, 498(A), 506(i) I.P.C, in Crime No.22 of 2021 on the file of the respondent police, seeks anticipatory bail.



2. The case of the prosecution is that the petitioner and the defacto complainant are husband and wife. At the time of marriage, the defacto complainant was given 12 ½ sovereigns of gold ornaments and Rs.9 lakhs was spent for marriage expenses by the father of defacto complainant. The petitioner in a drunken mood, used to harass the defacto complainant physically and mentally. Since the defacto complainant is not having children, the petitioner insisted her to give consent for divorce. Hence, the defacto complainant lodged the complaint

3. On the side of the petitioner it is stated that a false case was foisted against the petitioner. It was the defacto complainant, who used to quarrel with the petitioner and his family members. In this regard, a civil suit in O.S.No.51 of 2021, on the file of District Munsif cum Judicial Magistrate, Aravakuruchi is pending and prayed to released the petitioner on anticipatory bail.

4. On the side of prosecution it is stated that the defacto complainant is not having any children and forgot the second marriage of the petitioner, the accused persons harassed the defacto complainant. The jewels, which were given to the defacto complainant, at the time of marriage, were in the custody of her mother-in-law and prayed to dismiss the petition.

5. Considering the dispute between the husband and wife, considering the nature of the offence and the allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned learned Judicial Magistrate, Additional Mahila Court, Karur, on condition that the petitioner shall execute 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 respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;



(d) the petitioner shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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.

Sd/-

05/09/2022

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/09/2022

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

PNM

TO

1. THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, KARUR.
2. -DO- THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. MARIMUTHU.N Advocate SR.No.9634

ORDER

IN

CRL OP(MD) No.12067 of 2022

Date : 05/09/2022