



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 28/09/2022

PRESENT

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

CRL OP(MD) . No.12120 of 2022

WEB COPY

1. Aasiya Begum
2. Abdul Majid
3. Shamsad Begum
4. Sirajdeen
5. Saffrin Begum

... Petitioners/Accused 2 to 6

Vs

- 1.The State rep.by
The Inspector of Police,
All Women Police Station,
Dindigul District.
Cr.No.3/2022.

... Respondent/Complainant

2.Mumtaj

3.Abdul Hakeem

... 2nd & 3rd Respondents

(2 and 3 respondents are suo motu
impleaded as per order of this
Hon'ble Court dated 06/07/2022 in
Crl.OP(MD)No.12120/2022 by GIJ)

For Petitioners : M/s.VENKATESH.D

For Respondent : Mrs.M.AASHA (R1)
Government Advocate (Crl.Side)

Mr.M.KARUPPASAMY PANDIAN(R2)

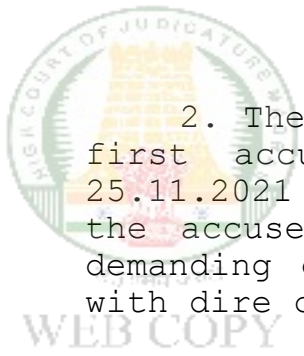
NO APPEARANCE (R3)

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

PRAYER :- For Anticipatory Bail in Cr.No.3/2022 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), 498(A), 506(i) of I.P.C, in Crime No.3 of 2022, on the file
of the respondent police, seek anticipatory bail.



2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 25.11.2021 and they lived happily only for 6 days and thereafter, the accused persons harassed the defacto complainant, by way of demanding dowry and abused her in filthy language, threatened her with dire consequences. Hence, the complaint.

3. On the side of the petitioners, it is stated that the petitioners are in-laws. A false case was foisted against the petitioners and they did not demand any dowry from the defacto complainant. The first petitioner is 62 years old and the second petitioner is 74 years old persons. In this case, investigation also completed by the prosecution. The first accused was already arrested and released on bail. Hence, prays to release them on anticipatory bail.

4. On the side of respondent, it is stated that in this case, there are totally five accused. A1 is the husband, A2 to A5 are in-laws. After the marriage, the defacto complainant lived with the first accused only for six days, thereafter, the accused persons demanded dowry from her. In this case, after completion of investigation, charge sheet was filed and the same was taken on file as CC No.153 of 2022, on the file of Judicial Magistrate, Nilakottai. The co-accused/A1 was already enlarged on bail and prayed to dismiss the petition.

5. Considering the facts and circumstances of the case, the fact of matrimonial dispute between the parties, the petitioners are in-laws of the defacto complainant, the co-accused was already enlarged on bail and also considering the fact that in this case after completion of investigation, charge sheet was filed and the same was taken on file as CC No.153 of 2022, on the file of Judicial Magistrate, Nilakottai, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Nilakottai, 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 on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall report before the lower Court on all hearings without fail;

(c) the petitioners shall not tamper with the evidence or
<https://www.mca21.com/> further during investigation or trial;



(d) the petitioners shall be present before the Court on the 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 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

(g) The trial Court is directed to complete the trial proceedings, within three months, from the date of receipt of a copy of this order.

sd/-

28/09/2022

/ TRUE COPY /

/10/2022

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

TO

- 1 THE JUDICIAL MAGISTRATE, NILAKOTTAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, DINDIGUL DISTRICT.
- 3 THE PRINCIPAL SESSIONS JUDGE, DINDIGUL.
- 4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, DINDIGUL DISTRICT.
- 5 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO:

THE REGISTRAR(JUDICIAL),
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1. CC to M/S. VENKATESH.D Advocate SR.No.10875

ORDER IN

CRL OP(MD) No.12120 of 2022
Date :28/09/2022

PNM

SA/SVR/SAR. /07.10.2022/3P/8C