



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2022

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.13933 of 2022

WEB COPY

- 1.Abdul Hakkim Harish
- 2.Abuthakhir @ Syed Abuthakhir
- 3.Shakilabanu
- 4.Kajamydeen
- 5.Sarajenira
- 6.Nijar Ahamed

... Petitioners/Accused No.1 to 6

-vs-

- 1.The State Rep.By
The Inspector of Police,
Cumbum North Police Station,
Theni District.
(Cr.No.229 of 2022)

... Respondent/Complainant

- (*)2.Albia Barveen

... 2nd Respondent

(*)R2 was *suo motu* impleaded vide order of this Court in Crl.O.P.(MD) No.13933 of 2022, dated 17.08.2022.

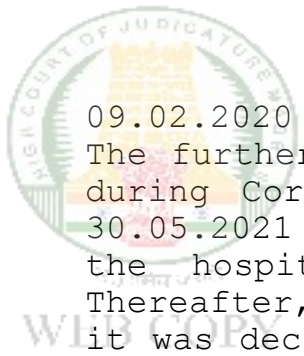
PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.229 of 2022 on the file of the respondent Police.

For Petitioners	: Mr.D.Saravanan
For R1	: Mr.M.Veeranthiran Government Advocate (Crl.side)
For R2	: No Appearance

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 148, 294(b), 324, 427 and 506(ii) of IPC in Crime No.229 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Alavudeen, is that the marriage between his daughter, Albiabarveen and the first accused, Abdul Hakkim Harish, was performed, on



09.02.2020 and that he was working at Ericson Company in .. The further allegation is that his son in-law was working from home during Corona period and that his daughter delivered a child on 30.05.2021 and that after seeing his daughter and the grand child in the hospital, the first accused did not come and see her. Thereafter, settlement talks were conducted in the Jamath and that it was decided that the first accused would take care her daughter and keep her in a separate house. While so, the accused had demanded Rs.10,00,000/- and 30 soverigns of jewels and a car, as additional dowry, thereby, a complaint was made to the Jamath and when the Jamath people have gone there, the accused family did not allow them to visit them. While so, on 23.03.2022, the first accused along with the family members had come to the house of the de-facto complainant and intimidated the de-facto complainant and his family members and also caused damaged to the cell phone and a two wheeler. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocent and a false complaint has been given against them. He would submit that earlier the de-facto complainant, Disco Alavudeen had come to the house of the petitioners along with two other relatives and five other unknown persons and assaulted them resulting in them sustaining injuries and on the complaint given by the petitioners' side, a case in Cr.No.202 of 2022 has been registered by Cumbum North Police Station, on 28.06.2022 and only as a counter blast, a false complaint has been given.

4.The learned Government Advocate (Crl.side) would submit that due to the matrimonial dispute, the petitioners along with their relatives gone to the house of the de-facto complainant, assaulted them and also caused damage to a cellphone and a two wheeler worth about Rs.50,000/-. He would further submit that earlier the matter was referred to mediation. However, the mediation had failed. Hence, he opposes to grant anticipatory bail.

5.Heard the learned counsel. Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Uthamapalayam, on condition that the petitioners shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:



[a] the petitioners 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 first petitioner shall report before the respondent Police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders. The petitioners 2 to 6 shall report before the respondent Police, as and when required on receipt of summons.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

09/12/2022

/ TRUE COPY /

/12/2022

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

CMR

TO

1. THE JUDICIAL MAGISTRATE, UTHAMAPALAYAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
CUMBUM NORTH POLICE STATION, THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.SARAVANAN.D, Advocate (SR-14737[I] dated 13/12/2022)

ORDER

IN

CRL OP(MD) No.13933 of 2022

Date :09/12/2022

USK/VR/SAR-IV/23.12.2022/3P/6C

<https://www.mhc.tn.gov.in/judis>