

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 02/09/2022

PRESENT

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

Cr1.OP(MD)No.15164 of 2022

1.S.Mansoor Ali Khan
2.Sikkandar
3.Narkees Banu : Petitioners/A1 to A3

Vs.

State rep. By
The Inspector of Police,
All Women Police Station,
Town,
Madurai City,
(In Crime No.09 of 2022) : Respondent/Complainant

For Petitioners : Mr.S.M.A.Jinnah

For Respondent : Mr.M.Vaikkam Karunanithi
Government Advocate
(Criminal side)

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

PRAYER:-

C-29AB.For Anticipatory Bail in Crime No.9 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order:-

The petitioners, who are arrayed as A1 to A3 apprehending arrest at the hands of the respondent police for the offences punishable under sections 406 and 498(A) IPC, in Crime No.09 of 2022 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of A1. She lodged a complaint stating that the marriage between themselves was performed, on 02/06/2013 as per their religious customary rites. Because of some matrimonial issues, she was driven out of the house and now, she is living in her parental home. The gold jewels worth about 23 sovereigns and her certificates are in the custody of the accused persons. On the basis of the said complaint, the case was registered in Crime No.09 of 2022 for the offences under sections 406 and 420 IPC.

3. Seeking anticipatory bail, all the accused persons namely A1 to A3 are before this court.

4. Heard both sides.

5. During the course of argument, the learned counsel appearing for the petitioners would submit that because of some illegal intimacy between the de-facto complainant and two other persons, trouble has arisen between them, as a result of which, the de-facto complaint, on her own accord, left the matrimonial home and now living in her parental home; he also sent a talaq notice by enclosing the maintenance amount for idaat period as per their religious custom; To show the same, he has also produced the extract of whatsapp message, that has been exchanged between the de-facto complainant and the above said person.

6. Since a *prima facie* material has been placed by the petitioners, the allegation that demanding money, keeping of jewels and she was driven out of the house is a matter for consideration during the course investigation.

7.Considering the above facts and circumstances of the case, this court **is inclined to grant anticipatory bail** to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance before the learned Additional Mahila Court (Judicial Magistrate Level), Madurai and on each of them 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 petitioners shall appear before the respondent police daily at 10.30 am until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. The petitioners 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 will stand dismissed.

(G I J)
02.09.2022

Index:Yes/No
Internet:Yes/No

er

To,

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

G.ILANGOVAN ,J
er

Cr1.OP (MD) No.15164 of 2022

02/09/2022

