



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

Date : 02/11/2022

PRESENT

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

CRL OP(MD) . Nos.15577 and 15584 of 2022

1 THANGAPPA
2 M.S.RAHIM
3 JAHIR @ JAHIR HUSSAIN
4 PEER OLI

... PETITIONERS / ACCUSED No.4 to 7
in CRL OP(MD) No.15577 of 2022

1 SYED IBRAHIM
2 AVVAMMAL
3 KADAR OLI

... PETITIONERS / ACCUSED No.1 to 3
in CRL OP(MD) No.15584 of 2022

Vs

1. THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THENI,
THENI DISTRICT.
(CRIME NO.43/2022)

... RESPONDENT / COMPLAINANT
in both petitions

2. HASEENA

... PETITIONER/DEFACTO COMPLAINANT
IN CRL MP(MD) NO.13198/2022 IN
CRL OP(MD) NO.15584/2022.

In Both petitions :

For Petitioner : M/s.Saravanan D,
Advocate.

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

For intervenor : Mr.Prahald Ravi, Advocate

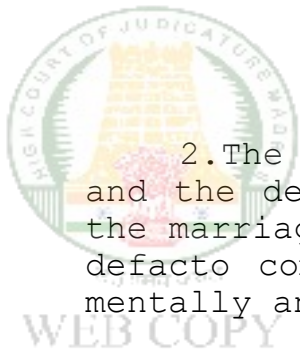
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.43/2022 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands
of the respondent police for the offences punishable under Sections
498(A), 294(b), 406 and 109 IPC in Crime No.43 of 2022, seek
anticipatory bail.



2.The case of the prosecution is that the marriage between A1 and the defacto complainant was solemnized on 12.05.2013 and after the marriage the petitioners have demanded additional dowry from the defacto complainant and also tortured the defacto complainant both mentally and cruelly. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case. He would further submit A1 is ready and willing to take back the defacto complaint and also ready for reunion.

4. The learned counsel for the intervenor submitted that 100 sovereigns of jewels of the defacto complaint are kept in locker and the key was handed over to Jamath. He would further submit that A1 went to Chennai without taking care of the defacto complainant and her children and the petitioners are also not ready to return the jewels to her.

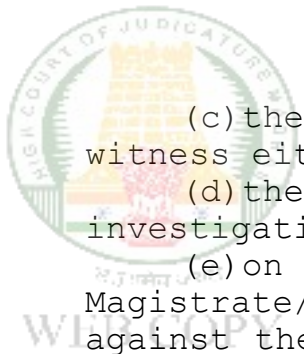
5.The learned Government Advocate(Crl.Side) would submit that it is a case of matrimonial dispute and that the petitioners have demanded additional dowry from the defacto complainant and also harassed her both mentally and cruelly. She would further submit that all the jewels of the defacto complainant are in locker and the key was also under the custody of jamath and hence, she is facing very difficult in her day to day life.

6.Considering the facts and circumstances of the case and also considering the fact that it is case of matrimonial dispute and that the petitioners / A2 to A7 are in-laws and jamath members respectively, this Court is inclined to grant anticipatory bail to the petitioners A2 to A7 with certain conditions.

7.Accordingly, the petitioners / A2 to A7 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, Theni on condition that the petitioners / A2 to A7 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 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 petitioners / A2 to A7 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 / A2 to A7 shall report before the respondent police daily at 10.30 a.m., until further orders;



(c) the petitioners / A2 to A7 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners / A2 to A7 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]**; and;

(f) if the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

02/11/2022

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/11/2022

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

TO

1. THE JUDGE,
ADDITIONAL MAHILA COURT, THENI.

2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI, THENI DISTRICT.

3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.D.SARAVANAN, Advocate (SR-12309 & 12310[I] dated 03/11/2022)

+1 CC to M/s.B.PRAHALADRAVI, Advocate (SR-12462[I] dated 04/11/2022)

ORDER

IN

CRL OP(MD). Nos.15577 and
15584 of 2022

Date :02/11/2022

USK/BUC/SAR-I/17.11.2022/3P/7C