



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated: 03/02/2022

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PRESENT

The Hon'ble Mr.Justice G.ILANGO VAN

CrI.OP(MD)No.16496 of 2021

1.Abdul Majeeth
2.Jamul Mohammed
3.Sybhu Nishal Begam
4.Yasmin Begam
5.Mohammed Thowbieck

... Petitioners/Accused No.1 to 5

Vs.

State rep.by
The Inspector of Police,
Paramakudi All Women Police Station,
Ramanathapuram District.
(In Crime No.23 of 2021)

... Respondent/Complainant

For Petitioner : M/s.S.M.A.Jinnah, Advocate

For Respondent : M/s.RMS.Sethuraman
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Crime No.23 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A1 to A5 apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b), 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act r/w section 4 of Dowry Prohibition Act, in Crime No.23 of 2021 on the file of the respondent police, seek anticipatory bail.



2.The petitioners are facing the charges under sections 498(A), 294(b), 506(i) IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act r/w section 4 of Dowry Prohibition Act.

3.Heard both sides.

4.It is a matrimonial dispute between the husband and wife. The marriage between A1 and the de-facto complainant took place on 15/09/2002 at Madurai. An adoption was undertaken by the couple, as per the order of this court.

5.Now the case of the de-facto complainant is that A1 and other accused persons assaulted her, demanding 10 Lakhs as extra dowry and the second marriage was also proposed to be undertaken by A1. Based upon the complaint given by the de-facto complainant, this case has been registered.

6.Now it is the case of the petitioners that the de-facto complainant was having illegal affairs with one Jahangir, who was a neighbour and when that was brought to the notice of A1, he made objection. It is also alleged that the above said Jahangir taken private video, while he was in relation with the de-facto complainant and on that score, he black mailed the de-facto complainant and obtained her jewels and money. Regarding the above said affairs, the complaint was given before the Teppakullam Police Station, which was also registered in CSR No.158 of 2020. Only during the above said enquiry stage, the de-facto complainant went to her parental home. Without following proper procedure, the case has been registered against these petitioners.

7.For the purpose of showing the summon that has been sent to the petitioners, they produced the documents in the typed set of papers. When the petitioners moved this court, by order, dated 27/10/2021, the matter was referred to the Social Welfare Department for the purpose of counselling and conciliation. On that ground, interim protection was also granted to the petitioners and periodically that was extended. In spite of lapse of several months, it appears that the conciliation process is not completed.

8.The entire CD file has been called for and also perused. Perusal of the CD file shows that as mentioned in the complaint, some sort of trouble arose between the de-facto complainant and one Jahangir. As mentioned in the petition, it is the case of the petitioners that the de-facto complainant had illegal affairs with the above said Jahangir. So on the basis of the complaint given by the de-facto complainant against the above said Jahangir, enquiry was undertaken in CSR No.158 of 2020. During the course of enquiry, there was a compromise between the said Jahangir and the de-facto complainant. On the basis of the above said compromise, that enquiry came to be closed. But one important factor, which is seen from the CD file is that the de-facto complainant has given a



statement to the effect that the above said Jahangir threatened her with some audio and video clippings.

9. Now as mentioned above, it is the case of the petitioners that because of the illegal affairs with the above said Jahangir, trouble had arisen between them and the de-facto complainant went to her parental home. Now these allegations can be tested only during the course of investigation. Already the attempt that has been undertaken by this court to make a conciliation between the parties could not succeed, because of lapse of time. The above said complaint, which was given by the de-facto complainant is dated 28/02/2020 and the present FIR has been registered on the basis of the complaint given by the de-facto complainant, on 20/10/2021. It appears that only after the above said issue, the present complaint came to be filed. So I am of the considered view that the truth will come out during the course of investigation. So, I am of the considered view that the custodial interrogation of the petitioners may not be required.

10. Perusal of the entire CD file shows that major portion of the investigation is also over. So granting of interim protection to the petitioners can be made absolute and accordingly, **anticipatory bail is granted** 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 Judicial Magistrate, Paramakudi, Ramanathapuram District and on their 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 Magistrate concerned and the petitioners shall appear before the respondent police once 15 days at 10.00 a.m. 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 Magistrate 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.

Sd/-

03/02/2022

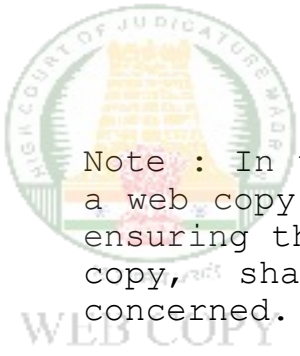
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/ /2022

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

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Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

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

ORDER
IN
CRL OP(MD) No.16496 of 2021
Date :03/02/2022

SP/JM/SAR III/09/02/2022/4P/5C