



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

Date : 23/11/2022

PRESENT

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

CRL OP(MD) . No.16821 of 2022

1. Madhana Begum @ Madeena Begam
2. Ahamed Rafeek ... Petitioners/Accused No.2&3

Vs

1. The State Rep. By,
The Inspector of Police,
All Women Police Station Tallakulam,
Tallakulam, Madurai District.
Crime.No. 47 of 2022. ... 1st Respondent/Defacto
Complainant
2. Rishna Begum ... 2nd Respondent/Defacto
Complainant
3. Ameer Maideen ... 3rd Respondent/Impleader

For Petitioner : M/s. Balaji A,
Advocate.

For R1 : Mrs.M.Aasha,
Government Advocate (Crl.Side)

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

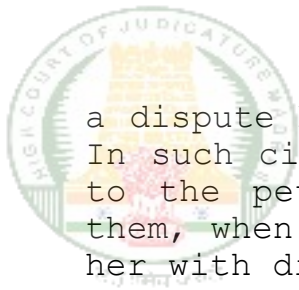
PRAYER :-

For Anticipatory Bail in Crime No.47 of 2022 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498 (A), 406, 294(b) and 506(I)IPC, in Crime No.47 of 2022, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is the wife of A1. The marriage between A1 and the de-facto complainant was solemnized on 17.08.2008. After marriage, there was



a dispute between the husband and wife, both are living separately. In such circumstances, on 13.07.2022, the de-facto complainant went to the petitioners' home and asked to solve the dispute between them, when the petitioners scolded in filthy language and threatened her with dire consequences. Hence the complaint.

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3.The learned counsel for the petitioners would submit that the first petitioner is the father and the second petitioner is the brother of A1. There was some dispute between the de-facto complainant and A1, the de-facto complainant filed the Conjugal Rights before the Family Court, Madurai in O.S.No.12 of 2020, in which, A1 filed written statement, subsequently, A1 filed a divorce petition in O.S.No.34 of 2022 before the Family Court, Madurai and now both the cases are pending before the Family Court, Madurai. He would further submit that the de-facto complainant wants to harass A1 and his family members, lodged a false complaint against them. Hence, he prays for anticipatory bail.

4.The learned Government Advocate(Crl.Side) would submit that there are three accused involved in this case and the petitioners are arrayed as A2 and A3. The petitioners are in-laws of the de-facto complainant and from the date of marriage, all the accused demanded more dowry from the de-facto complainant and cruelly harassed her. She would further submit that it is a matrimonial dispute and six witnesses have been examined and the investigation is pending. Hence, she prayed for dismissal of this petition.

5.Considering the facts and circumstances of the case and also considering the facts that it is a matrimonial dispute and the petitioners are in-laws of the de-facto complainant and six witnesses have been examined sofar, 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 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 Judicial Magistrate Court No.II, Madurai, 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 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 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 shall report before the respondent police daily at 10.30 am until further orders.

(c)the petitioners shall not tamper with evidence or witness
<https://www.mca.gov.in/> 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]**; and;

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

sd/-
23/11/2022

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/12/2022

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION TALLAKULAM,
TALLAKULAM, MADURAI DISTRICT.

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

+1 CC to M/s.A.BALAJI, Advocate (SR-13585[I] dated 24/11/2022)

ORDER
IN
CRL OP(MD) No.16821 of 2022
Date :23/11/2022

SJI
USK/BUC/SAR-I/06.12.2022/3P/6C