



WEB COPY

CRL OP(MD). N



'22

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/10/2022

PRESENT

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

CRL OP(MD) . No.19192 of 2022

1.Azarudeen @ Mohamed Azarudeen,

2.Majid,

3.Sumaiyal,

4.Saburammal,

5. Sathik Batcha,

... Petitioners/Accused 1 to 5

Vs

State Rep.by

The Inspector of Police,

All Women Police Station,

Aranthangi,

Pudukkottai District.

Crime No. 12 of 2021.

... Respondent/Complainant

For Petitioners : Mr.T.Lenin Kumar, Advocate.

For Respondent : 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.12 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 498(A), 352, 294(b) and 406 of IPC, in Crime No.12 of 2021, seek anticipatory bail.

2.The case of the prosecution is that on 14.04.2018 the first
<https://www.courtindia.org> married the defacto complainant as per the Muslim rites



and customs. After marriage, the first petitioner ie complainant started their matrimonial life happily in the complainant's parental home. The complainant's father handed over the management of water plant to the first petitioner. Subsequently, he verified the accounts and came to know that the first petitioner misappropriated more than Rs.90,00,000/-. When the complainant's father questioned the same, he abused him with filthy language. Thereafter, he left for his parent's house. When the defacto complainant went to the first petitioner's house, the petitioner and other accused abused her by using filthy language and a panchayat was conducted at Jamath and he did not agree for the settlement. Hence, the complaint.

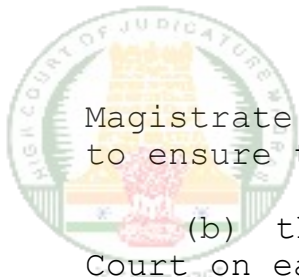
3. The learned counsel for the petitioners would submit that the complainant's father utilized the first petitioner to look after his day today affairs of the water plant. Inspired over the good character of the first accused, he decided to solemnize marriage between the complainant and the first petitioner. After marriage, the first petitioner started his matrimonial life with the complainant in her parental home. The complaintant's father having received all the profit cheated the first petitioner. In the said backdrop, there was a quarrel arose between them. He would further submit that the petitioner is an innocent person and he did not commit any offence as alleged by the prosecution. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police opposed for grant of anticipatory bail to the petitioner stating that there is a specific overt act attributed against the petitioners. She would further submit that investigation in this case has been completed and the charge sheet has also been filed before the concerned Court.

5.Considering the facts and circumstances of the case and considering the nature of offence and also the facts that investigation has been completed and the charge sheet has also been filed before the concerned Court, 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 their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Aranthangi, 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 photo to the bond and left thumb impression in the surety bond and the



Magistrate may obtain a copy of their Aadhar card or Bank passbook to ensure their identity;

(b) the petitioners shall appear before the concerned trial Court on each and every hearing without fail;

(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]**; and;

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

sd/-
31/10/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE, ARANTHANGI.

2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE, PUDUKKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ARANTHANGI, PUDUKKOTTAI DISTRICT.

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

+1. CC to M/S. LENIN KUMAR T Advocate SR.No.12197(I)
ORDER

IN

CRL OP(MD) No.19192 of 2022

Date : 31/10/2022

cp

PKP/SBN/SAR-1/09.11.2022/3P/6C

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