



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 20/07/2022

PRESENT

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD). No.20585 of 2021

1. A.Mohammed Khalith
2. A.Ahamed Sheriff
3. Tharia Shafeekha Begam ... Petitioners/Accused Rank Not Known

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Thallakulam, Madurai.
(Crime No.53/2021). ... Respondent/Complainant

A.Nasreen Banu ... Petitioner/Intervener in Crl MP(MD).435/2022
in Crl OP(MD).20585/2021

For Petitioners : M/s.Jinnah.S.M.A, Advocate.
For Respondent : Mr.M.Vaikkam Karunanidhi,
Government Advocate (Crl.Side)
For Intervener : Mr.S.J.Chakkaravarthy, Advocate

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

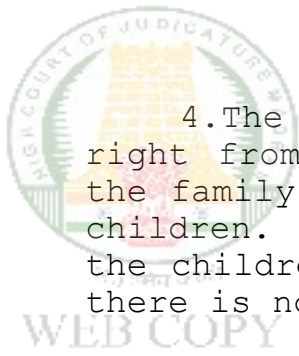
PRAYER :- For Anticipatory Bail in Crime No.53 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused (Rank Not Known), apprehending arrest at the hands of the respondent police for the alleged offences punishable under Sections 498(A), 406 and 506(i) of IPC, in Crime No.53 of 2021 on the file of the respondent police, seek anticipatory bail.

2.During the pendency of this petition, noting the limited role that has been played by the petitioners 2 & 3, they were granted anticipatory bail by this Court, dated 08.07.2022. In respect of the first petitioner and the defacto complainant, the matter was referred to mediation and it was failed for one or other reason.

3.The learned counsel for the petitioner would submit that when he was working in abroad, he was continuously sent money to the defacto complainant and she was also leading a lavish life. Because of Covid-19 situation, he is not in a position to go abroad. Then only, the defacto complainant making trouble. Now, he is ready for reunion.



4.The learned counsel for the Intervener would submit that right from the beginning, the first petitioner has not maintained the family and even in the Mediation Centre, he tried to attack the children. Escaped from the criminal liabilities for having attacked the children, this sort of proposal has been made. According to him, there is no possibility for reunion.

5.All those contentions may not go into at this stage since the defacto complainant insisted the payment of maintenance amount to herself and her children.

6.Since the defacto complainant is having child, the 1st petitioner must maintain the wife and child and hence, the 1st petitioner is directed to pay a sum of Rs.10,000/- as maintenance to the wife and child till further orders to be decided by the competent Court.

7.Considering the facts and circumstances and also considering the fact that there is possibility for reunion, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Additional (Judicial Magistrate Level) Mahila Court 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders.

9.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 stands dismissed.

10.The request made by the learned counsel for the petitioner is that the petitioner may be permitted to see his children. Let the defacto complainant may permit the first petitioner to visit the children.

sd/-
20/07/2022

/ TRUE COPY /

/08/2022

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



Note : In view of the present lock down owing to COVID-19, 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.

WEB COPY

- TO
- 1 THE ADDITIONAL (JUDICIAL MAGISTRATE LEVEL) MAHILA COURT, MADURAI.
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, THALLAKULAM, MADURAI.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.B.BALAMURUGAN, Advocate (SR-7398[I] dated 21/07/2022)

ORDER
IN
CRL OP(MD) No.20585 of 2021
Date :20/07/2022

DSS
RS/JM/SAR.2 (12.08.2022) 3P-6C