



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.03.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.1296 of 2023

WEB COPY

1.Nabisha Beevi @ Nabeesa Beevi

2.Jahirulla @ Zakeerullah

3.Shibana @ Shifana

...Petitioners/Accused 2 to 4

-VS-

1. State represented by
The Inspector of Police,
All Women Police Station,
Thiruverumbur,
Trichy District.
(Cr.No.01 of 2023)

... Respondent/Complainant

2.Shyla

... 2nd Respondent

(R2 is suo motu impleaded as per
order of the Court dated
01/02/2023 in Cr1.OP(MD).1296 of
2023)

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.01 of 2023 on the file of the respondent Police.

For Petitioners : Mr.M.MANIKANDAN, Advocate

For Respondent : Mr.A.ALBERT JAMES
Government Advocate (Cr1.side)

For Intervenor : Mr.JAMEEL ARASU, Advocate

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498(A), 294(b), 323 and 506(i) IPC in Crime No.01 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Shyla is that her marriage with Mohammed Nowsath was solemnized on 26.07.2021 and after marriage, her husband, the first accused and



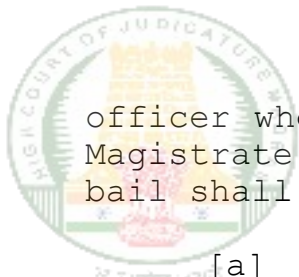
her in-laws, the petitioners herein harassed her by using abusive language and physically tortured on several occasions, due to which, the defacto complainant went out of her matrimonial home. Hence, the complaint.

3. The learned counsel for the Petitioners would submit that the petitioners are innocent persons and a false complaint has been given. He would also submit that the petitioners 1 and 2 are the mother-in-law and the father-in-law respectively and the third petitioner is the co-sister of the defacto complainant and at the time of marriage, they have not received any jewels or articles as dowry. He would further submit that due to matrimonial dispute, the defacto complainant went to her parents' house at Trichy and later, the first accused has gone to Dubai for his employment and subsequently, the defacto complainant has also obtained Visa and went to Dubai and stayed there and during the stay at Dubai, the defacto complainant was not interested in family life and she had constantly fought with her husband and later the defacto complainant came back to India. He would also submit that earlier the defacto complainant has given a false complaint against the petitioners before the All Women Police Station, Coimbatore (East) and the same was enquired in CSR No.742 of 2022 dated 21.11.2022 and the petitioners were called for enquiry and during the enquiry it was found that the petitioners have not received any jewels or dowry and thereby enquiry was closed and subsequently, the defacto complainant preferred yet another complaint before the All Women Police Station, Trichy based on which the present case has been registered. He would reiterate that admittedly the defacto complainant and her husband were living at Dubai for some time and she returned from Dubai and as far as the third petitioner, who is her sister-in-law is concerned, she is living separately with her husband and allegations against the third petitioner is not true. He would pray for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (crl.side) would submit that the petitioners have harassed the victim and they have also demanded more dowry and driven out her from matrimonial home and he would oppose to grant anticipatory bail.

5. Heard and perused the materials available on record. Taking into consideration the facts and circumstances of the case, 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 on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Additional Mahila Court, Trichy, on condition that the petitioners shall execute 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 the police



officer who intends to arrest or to the satisfaction of the Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 everyday at 10.30 a.m., for a period of one week and thereafter every Saturday at 10.30 am until further orders.

[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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

02/03/2023

/ TRUE COPY /

/03/2023

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

CM

TO

1 THE JUDGE, ADDITIONAL MAHILA COURT, TRICHY.

2 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVERUMBUR, TRICHY DISTRICT.

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

ORDER IN

CRL OP(MD) No.1296 of 2023

Date :02/03/2023

SA/MMS/SAR.1/23.03.2023/3P/4C