



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.03.2023

PRESENT

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

CRL.O.P(MD)No.4170 of 2023

WEB COPY

- 1.Sayira Banu @ Shayira Banu
- 2.Sameera @ Samirabanu
- 3.Mohamed Faruk @ Mohamed Farook
- 4.Rahamath Nisha @ Ragamathnisha
- 5.Jailani

...Petitioners/Accused Nos 2 to 6

-vs-

State represented by
The Inspector of Police,
All Women Police Station,
Golden Rock,
Trichy City
(In Cr.No. 1 of 2023)

...Respondent/Complainant

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.B.Jameel Arasu, Advocate

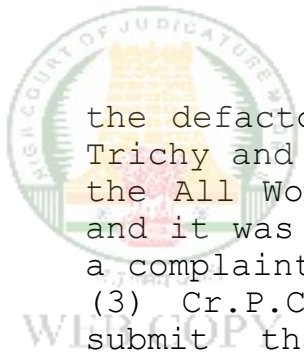
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

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), 406, 323, 506(i) IPC r/w Section 4 of TNPHW Act, in Crime No.1 of 2023 on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution as per the de-facto complainant Shakila Banu is that from the date of marriage i.e on 15.04.2019, the she was happily living with her husband/A1 and thereafter, the first accused along with other accused have committed cruelty by demanding additional dowry. 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 are in-laws of the defacto complainant and they are living separately at Tiruppur and



the defacto complainant and the first accused/husband are : at Trichy and he would submit that earlier a complaint was given before the All Women Police Station, Coimbatore and enquiry was conducted and it was closed. Thereafter, the defacto complainant has preferred a complaint before the Magistrate and on reference under Section 156 (3) Cr.P.C the present case has been registered. He would also submit that admittedly, the first accused and the defacto complainant were living separately. Hence, he pray for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (crl.side) would submit that the husband of the defacto complainant along with the in-laws harassed her by demanding further dowry from the defacto complainant 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, Magistrate Level, at 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 learned 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 two weeks and thereafter as and when required for interrogation.

[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 SC 123]**.
[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

03/03/2023

/ TRUE COPY /

WEB COPY

/03/2023

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

CM

TO

- 1 ADDITIONAL MAHILA COURT, MAGISTRATE LEVEL,
TRICHY.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, GOLDEN ROCK,
TRICHY CITY.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.JAMEEL ARASU B Advocate SR.No.3399(I)

ORDER

IN

CRL OP(MD) No.4170 of 2023

Date :03/03/2023

VA/SKN/SAR-4/ (09.03.2023) /3P/6C