



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

Date : 13/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN
CRL OP(MD). No.4680 of 2023

WEB COPY

Mohamed Yasar

... Petitioner/1st Accused

Vs

The State rep.by,
Inspector of Police,
All Women Police Station,
Aranthangi,
Pudukkottai District.
(Crime No.23/2022).

... Respondent/Complainant

For Petitioner : T.Leninkumar,
Advocate.

For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor

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

PRAYER :-

For Anticipatory Bail in Cr No.23/2022 on the file of the
respondent police.

ORDER : The Court made the following order :-

The petitioner/A1 who apprehends arrest at the hands of the
respondent police for the offences punishable under sections 498(A),
294(b), 323 and 506(i) of I.P.C and section 4 of D.P.Act in Crime
No.23 of 2022 on the file of the respondent police, seeks
anticipatory bail.

2. The case of the prosecution is that the marriage between the
petitioner and the defacto complainant was solemnized on 10.03.2019
as per muslim rites and customs. At the time of marriage the parents
of the defacto complainant has given 100 sovereigns of gold
jewels, Rs.2,00,000/- cash and house hold articulated worth about
Rs.5,00,000/-. They also presented five sovereigns of gold jewels
to the petitioner and five sovereigns gold chain to the fourth
accused. Ever since the date of marriage the petitioner and his
family members harassed her demanding more dowry, hence the case.

3. Heard both sides and perused the materials available on
<https://www.mca.gov.in/> including the First Information Report.



4. Taking into consideration of the facts that it is a case of matrimonial dispute between the parties, this court is inclined to grant anticipatory bail to the petitioner, with certain conditions:

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Aranthangi on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) 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 petitioner 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 petitioner shall report before the respondent police daily at 10.30 am., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

13/03/2023

/ TRUE COPY /

/03/2023

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

AAV

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



TO

1. THE JUDICIAL MAGISTRATE, ARANTHANGI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI.

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-4110[I] dated 14/03/2023)

ORDER

IN

CRL OP(MD) No.4680 of 2023

Date : 13/03/2023

RK/MMS/SAR-2 (16/03/2023) 4P/6C