



CRL OP(MD). No.12673 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD) No.12673 of 2023

SHEIK DAWOOD BATHRUDEEN

... PETITIONER / ACCUSED No.1

Vs

1 THE STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI,
MADURAI DISTRICT.
(IN CRIME NO.36 OF 2023)

... 1st RESPONDENT/COMPLAINANT

2 JANOFER

... 2nd RESPONDENT

(R2 IS SUO-MOTU IMPLEADED AS PER ORDER OF THE
COURT DT 18/07/2023 IN CRL.OP(MD)12673 of 2023 by GIJ)

For Petitioner : Mr.K.ALTHAF SHERIFF, Advocate for
M/S.AJMAL ASSOCIATES

For Respondent : Mrs.M.AASHA, Government Advocate (Crl.Side)

For Intervenor : MR.S.M.A.JINNAH, Advocate

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

PRAYER:

FOR ANTICIPATORY BAIL IN CRIME NO.36 OF 2023 ON THE FILE OF THE
RESPONDENT POLICE.



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ORDER: The Court Made the following order :-

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The petitioner/ Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498(A) and 406 IPC in Crime No.36 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the A1 and the defacto complainant are husband and wife. The petitioner and other accused said to have demanded additional and also harassed the petitioner both mentally and cruelly. Hence the case.

3.The learned counsel for the petitioner would contend that the petitioner is innocent and he has not committed any offence as alleged by the prosecution and his name has been falsely implicated in this case and hence, prayed for anticipatory bail.

4.The learned Additional Public Prosecutor would submit that it is a matrimonial dispute between the husband and wife and that the petitioner and other accused have demanded additional dowry and the investigation of the case is pending.

5.Considering the facts and circumstances of the case and also considering the fact that it is a matrimonial dispute between the husband and wife, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

6.Accordingly, the petitioner is ordered to be released on bail in the event of



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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 No.II, Madurai 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 learned Magistrate concerned and on further condition that:

[a] the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate/concerned court 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 on receipt of summons.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under

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Section 229A IPC.

sd/-

05/10/2023

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/10/2023

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

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, MADURAI.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THALLAKULAM, MADURAI, MADURAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.AJMAL ASSOCIATES Advocate SR.No.46252[F]

ORDER IN
CRL OP(MD) No.12673 of 2023
Date :05/10/2023

RS/DD/SAR-(12.10.2023) 4P 6C

Madurai Bench of Madras High Court is issuing
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