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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

CRL OP(MD). No.14263 of 2023

S.Nawashkhan @ Mohamed Rajik,

... Petitioner/ Accused No.1

Vs

1. State rep. by
The Inspector of Police,
All Women Police Station,
Pattukottai,
Thanjore District.
Crime No.11 of 2023.

2. Fathima Beevi,
(R2 is Suo-
Motu Impleaded as Per Order of the
Court Dated 04/08/2023 in Crl.
Op(MD)14263 of 2023).

... Respondents/ Complainants

For Petitioner : M/s.Thirumurugan T,
Advocate.

For Respondent No.1 : Mrs.M.Aasha,
Government Advocate (Crl.Side)

For Respondent No.2 : Mr.R.Venkateshwar
Advocate



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

PRAYER :-

For Anticipatory Bail in Crime No.11 of 2023 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), 420, 406 and 506(i) of IPC in Crime No.11 of 2023 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 04.06.2011 and out of their wedlock they were blessed with two children. After few years of marriage the petitioner herein harassed the defacto complainant demanding more dowry and harassed her. Hence the case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and a false case has been foisted against him. Therefore, he prayed for anticipatory bail to the petitioner.



4.The Government Advocate(Crl.Side) appearing for the respondent would submit that petitioner demanded more dowry and harassed her hence objected to grant anticipatory bail to the petitioner.

5.Considering the facts and circumstances of the case and also the fact that it is dispute between the family members, this court is inclined to grant anticipatory bail to the petitioner with certain conditions:

6.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, Peravorrani, Thanjavur District 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

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



card or Bank Pass Book to ensure their identity.

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[b] the petitioner shall appear before the trial Court on 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].

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

sd/-

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

AAV



TO

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1 The Judicial Magistrate, Peravorrani, Thanjavur District.

2 Do through the Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.

3 The Inspector of Police,
All Women Police Station,
Pattukottai, Thanjavur District.

4 The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.T.THIRUMURUGAN, Advocate (SR-14868[I] dated 09/10/2023)

ORDER

IN

CRL OP(MD) No.14263 of 2023

Date :09/10/2023

SSA/VRS/14.10.2023/5P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023