



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/03/2023

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PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). Nos.21154 and 21155 of 2022

Ahamedmeeral,

... Petitioner/Accused No.4
in Crl.O.P(MD) No.21154 of 2022

1.Aboo Mohamed Salih

2.Rasool Mustafa

3.Rasidha Banu

... Petitioners/Accused Nos.1 to 3
in Crl.O.P(MD) No.21155 of 2022

Vs

1. State Rep.by,
The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli City
(Crime No.27 of 2022).

...Respondent/Complainant
in both petitions

2. Nilofer Nisha,

...2nd Respondent/Defacto Complainant
in Both petitions

(R2 is Suo-Motu Impleaded as Per
Order of the Court District
30.11.2022 in Crl OP(MD)Nos. 21154 &
21155 OF 2022 BY AANJ)

(In crlop (MD)21154 of 2022)

For Petitioner : M/s.Siva Surianarayanan S,Advocate.

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

(In crlop (MD)21155 of 2022)

For Petitioners: M/s.R.Pon Karthikeyan, Advocate.

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



PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.

COMMON PRAYER :-

For Anticipatory Bail in Crime No.27 of 2022 on the file of the Respondent Police

COMMON ORDER : The Court made the following order :-

The petitioners/accused who apprehends arrest at the hands of the respondent police for the offences punishable under sections 498 (A), 406 and 506(i) of I.P.C., in Crime No. 27 of 2022 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the marriage between the first accused and the defacto complainant was solemnized on 02.01.2022 as per Muslim rites and customs. At the time of marriage the parents of the defacto complainant had given 200 sovereigns of gold jewels and house hold articles. After marriage they both lived happily at Chennai in the house of the first petitioner. Thereafter the parents of the first accused and his family members demanded more dowry and harassed her, hence the case.

3. Heard both sides and perused the materials available on record 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 petitioners , with certain conditions:

5. 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 Judicial Magistrate No.V, Tirunelveli on condition that the petitioners shall execute a 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 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 in CrI.O.P(MD) No.21155 of 2022 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 petitioners shall not tamper with evidence or 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/-
08/03/2023

/ TRUE COPY /

/03/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

AAV

TO

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

+2 CC to M/s.R.PON KARTHIKEYAN, Advocate (SR-3681[I]&3682dated
08/03/2023)

ORDER
IN
CRL OP(MD) No.21154 & 21155 of 2022
Date :08/03/2023

PKP/ /SAR-3/14.03.2023/ **3P/7C**

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