



CRL OP(MD). No.18632 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 17/10/2023

PRESENT

The Hon`ble Mr.Justice V. SIVAGNANAM

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1. Mohammed Harsath Ayup,

2. Fathima,

(*)3. Narayanasamy @ Ashina Tailar @ Shahul Hameed,

... Petitioners/ Accused 4 to 6

Vs

The Inspector of Police,
All Woman Police Station (AWPS),
Palani Police Station, Palani, Dindigul District.
Crime No. 16 of 2023.

... Respondent/ Complainant

For Petitioners : M/s. KANNAPPAN.A.R,
Advocate.

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

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

PRAYER :- For Anticipatory Bail in Crime No. 16 of 2023 on the file of the respondent Police.

ORDER : The Court made the following order :-

<https://www.mhc.tn.gov.in/judis> The petitioners / accused, who apprehends at the hands of the respondent police



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for the offences punishable under Sections 498(a), 294(b), 506(i) IPC r/w. Section 4 of Tamil Nadu Prohibition of Women Harassment Act and Section 4 of dowry Prohibition Act, in Crime No.16 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners herein have demanded additional dowry from the defacto complainant and they have also taken away all the jewels belonging to her and abused her in filthy language and also threatened her with dire consequences. Hence, the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case and hence he seeks anticipatory to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent submitted that it is matrimonial dispute between the husband and wife and the petitioners herein have taken away all the jewels belonging to her and abused her in filthy language and also threatened her with dire consequences. He would further submit that the investigation of the case is pending.

5. On perusal of the FIR, it is noticed that it is a matrimonial dispute between the husband and wife.



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6. Taking into consideration the principles stated by the Honourable Supreme Court in *Gurubaksh Singh Sibbia Etc., vs. State of Punjab* reported in *1980 AIR 1632* and *Lal Kamlendra Pratap Singh vs. State of Uttar Pradesh and others* reported in *(2009)4 SCC 437* and *Joginder Kumar vs. State of U.P. and others* reported in *(1994)4 SCC 260* and taking into consideration the origin of crime, it is seen that the offence alleged as against the petitioners is not a case of heinous crime. Further the petitioners is having permanent residents at Thirupur District. Hence the principles stated in *Hussainara Khatoon & Ors vs. Home Secretary, State Of Bihar* reported in *AIR 1979 SC 1360* is taken into consideration. In that case, the Hon'ble Supreme Court has cautioned that pre-trial detention is not be encouraged nor is to be encourageable pre-trial release on sureties; that if the Court is satisfied after taking into consideration that the accused has his roots in the community and is not likely to abscond, he can safely be released on his personal bond.

7. In view of the above, this Court is inclined to grant anticipatory bail to the petitioners. 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, Palani on condition that the petitioners shall execute own bonds for a sum of Rs.10,000/-



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(Rupees Ten Thousand only) 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 shall appear before the trial Court on receipt of summons as directed by the trial Court.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].



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

sd/-
17/10/2023

(*)AMENDED AS PER ORDER OF THE COURT
DATED 30.01.2024 IN CRL MP(MD)NO.696/2024
IN CRL OP(MD)NO.18632/2023 BY MDIJ

TIME IS EXTENDED FOR A PERIOD OF TWO
WEEKS FROM THE DATE OF RECEIPT OF
AMENDED COPY OF THIS ORDER.

/ TRUE COPY /

/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO
TO BE SUBSTITUTED WITH THE ORDER DATED 17/10/2023 ALREADY
DESPATCHED

1 THE JUDICIAL MAGISTRATE,
PALANI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, DINDIGUL DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION (AWPS),
PALANI POLICE STATION, PALANI,
DINDIGUL DISTRICT.



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4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.A.R.KANNAPPAN, Advocate SR-1320

ORDER
IN
CRL OP(MD) No.18632 of 2023
Date :17/10/2023

SA/DD/SAR. /26.10.2023/6P/6C
RK/GS 07.02.2024 6P/6C

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