



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.01.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) No.22972 of 2022

WEB COPY

Syed Kareem Alisha Thangal @ Sayed Karim Ali Sha

... Petitioner/Accused No.4

-vs-

State represented by
The Inspector of Police,
AWPS Thallakulam Police Station,
Madurai City.
(Cr.No.50 of 2021)

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.50 of 2021.

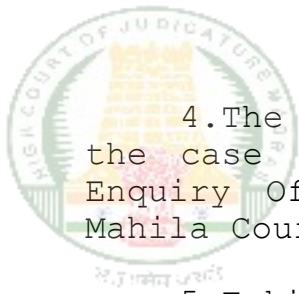
For Petitioner : Mr.D.S.Haroon Rasheed, Advocate
For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)

O R D E R

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 498(A), 406 and 294(b) IPC in Crime No.50 of 2021 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, is that the de-facto complainant and the first accused are husband and wife. After the marriage, the accused persons have harassed the de-facto complainant by demanding more dowry and threatened the de-facto complainant to withdraw the petition for restitution of conjugal rights filed by her before the Family Court. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the first accused is the husband, the second accused is the mother-in-law, the third accused is the brother-in-law and fourth accused the is the uncle of the de-facto complainant and due to matrimonial dispute, the petitioners have been unnecessarily implicated in this case and hence, he seeks anticipatory bail to the petitioner.



4.The learned Government Advocate (Crl.side) would submit at the case is of the year 2021 and that after investigation, the Enquiry Officer had filed a charge sheet before the Additional Mahila Court, Madurai.

5.Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R. and also the fact that charge sheet has been filed, 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 Additional Mahila Court, 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 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 Additional Mahila Court, Madurai for a period of one week, starting from 09.01.2023 and thereafter, on the dates fixed by the Additional Mahila Court, Madurai.

[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/-

02/01/2023

/ TRUE COPY /

03/01/2023

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

cmr

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



To

- 1 THE ADDITIONAL MAHILA JUDGE, MADURAI.
- 2 THE INSPECTOR OF POLICE, AWPS THALLAKULAM POLICE STATION,
MADURAI CITY, MADURAI DISTRICT.
- 3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP (MD) No.22972 of 2022

Date :02/01/2023

RS/VR/SAR.(03.01.2023) 3P-4C