



Crl. O.P. No.25603 of 2024

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P. DHANABAL.J.,

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The petitioners / Accused 1 & 2, who apprehend arrest in the hands of the respondent police for the offences punishable under Section 108 B.N.S. in connection with the Cr. No.478 of 2024, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant is the paternal uncle of one Faizalkhan and marriage between the said Faizalkhan and the daughter of the 1st petitioner was solemnized before 6 months and since the bride was not interested in marriage and she was compelled to agree for marriage and hence, she committed suicide. While so, based on the complaint, the deceased Faizalkhan was called for enquiry and he also attended the enquiry several times and on 25.09.2024, Jamath convened a meeting, in which the petitioners were advised to withdraw the complaint, for which they refused and demanded Rs.10 lakhs from the Faizalkhan. Due to which, the said Faizalkhan got depression and committed suicide and hence the case.

3. The learned counsel for the petitioner would contend that the respondent police have registered a false case as against the petitioner for the offences under Section 108 B.N.S.. As per the prosecution case, the



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defacto complainant is the paternal uncle of one Faizalkhan and marriage between the said Faizalkhan and the daughter of the 1st petitioner was solemnized before 6 months and since the bride was not interested in marriage and she was compelled to agree for marriage and hence, she committed suicide. While so, based on the complaint, the deceased Faizalkhan was called for enquiry and he also attended the enquiry several times and on 25.09.2024, Jamath convened a meeting, in which the petitioners were advised to withdraw the complaint, for which they refused and demanded Rs.10 lakhs from the Faizalkhan. Due to which, the said Faizalkhan got depression and committed suicide. Therefore, the case has been registered. In fact, the daughter of the 1st petitioner had committed suicide before 6 months. Only to escape from the above incident, the present FIR has been registered as against these petitioners. After the demise of their daughter, the family of the Faizalkhan threatened the petitioners to withdraw the complaint and the same was not accepted by the petitioners. There is no any offence committed by the petitiones as alleged in the FIR and these petitioners are female and they are nothing to do with the commission of offence and already they lost their daughter. Hence, the petitioners may be released on anticipatory bail.



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4. The learned Government Advocate (Criminal Side) would submit that the defacto complainant is the paternal uncle of one Faizalkhan, who committed suicide and the marriage between the said Faizalkhan and the daughter of the 1st petitioner was held before 6 months. Since the bride was not interested in the marriage and she was compelled to agree for marriage, she committed suicide and case was registered as against the said Faizalkhan and thereafter, the police enquiry was conducted and these petitioners have demanded money from the said Faizalkhan for withdrawing the above said complaint and thereby, he also committed suicide. Investigation in this case is not yet completed and hence he strongly opposed to grant anticipatory bail to the petitioners.

5. Heard both sides and perused the materials available on record.

6. Considering the rival submissions on either side, considering the nature of offences, considering the fact that already there is a family dispute between the parties in respect of marriage and the suicide committed by the daughter of the 1st petitioner and there is no any previous case pending against these petitioners and though there are certain allegations levelled against these petitioners, already the 1st petitioner has



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lost her daughter and the case is pending since 01.06.2024 and investigation is almost completed, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions.

7. 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 **Judicial Magistrate, Chengam** on condition that the petitioners shall each 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 petitioners shall report before the respondent police on every Saturday at 10 a.m. for a period of 4 weeks and thereafter as and when required for interrogation.

[b] the petitioners shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade them from disclosing such facts to the Court or to any police officer;

[c] the petitioners shall not leave India without the previous permission of the Court;

[d] the petitioners shall not abscond either during investigation or



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trial.

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[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 abscond, a fresh FIR can be registered under Section 269 B.N.S.2023.

28.10.2024

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P.DHANABAL,J
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To

- 1.The Judicial Magistrate, Chengam
2. The Public Prosecutor, High Court, Madras.
- 3.The Inspector of Police, Chengam Police Station, Tiruvannamalai District.



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