



CRL OP(MD) No.173 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Monday, the Eighth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

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1 MANSOOR ALIKHAN ALIAS A.MANZOOR ALIGAAN,

2 HABIBU NISHA ALIAS HABIBUNISHA BEGAM,

3 KARISHMA BEGUM

4 AZARUDEEN

5 SIRAJUDEEN

... PETITIONERS/ ACCUSED 1 TO 5

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVERAMBUR,
TRICHY DISTRICT-620013.
CR.NO.26/2023

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.JAMEEL ARASU.B Advocate

For Respondent : Mr.P.KOTTAICHAMY,
Govt. Advocate (Crl. Side)

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



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PRAYER:- FOR ANTICIPATORY BAIL IN CR.NO.26/2023 ON THE FILE OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioners/ A1 to A5, who apprehend arrest at the hands of the respondent police for the alleged offence under Sections 498(A), 294(b), 406, 323 and 506(ii) of IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Cr.No.26 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the marriage of the first petitioner and the de-facto complainant was solemnized in the year 2016 and after the marriage, the petitioners harassed the de-facto complainant by demanding additional dowry. Hence, the case.

3.The learned counsel appearing for the petitioners submitted that the petitioners have not committed any offence as alleged by the prosecution and in order to sum and substance of the complaint is that the first petitioner/husband had not continued with the physical relationship with the de-facto complainant frequently and therefore, a false case has been foisted against the petitioners. He would further submit that initial complaint was filed, in which, enquiry was conducted and closed and subsequently, the de-facto complainant filed a complaint before the learned Judicial Magistrate Court under Section 156(3) of Cr.P.C and based on the direction issued by the Trial Court, the present case has been registered against



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the petitioners. Hence, he prays for grant of anticipatory bail to the petitioners.

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4.The learned Government Advocate (Crl. side) submitted that though there was serious allegation made against the first petitioner/husband, no serious allegation is made against the in-laws. However, he strongly opposed to grant anticipatory bail to the first petitioner.

5.Heard the learned counsel on either side.

6.Since there is a specific allegation made against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Hence, this petition is dismissed as against the first petitioner/ A1.

7.Considering the facts and circumstances of the case and also considering the fact that no serious allegation is made against the petitioners 2 to 5, this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 with certain conditions.

6.Accordingly, this Criminal Original Petition is partly allowed and the petitioners 2 to 5 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 of receipt of a copy of this order, before the learned Additional Mahila Court, Magisterial Level, Tiruchirappalli, on condition that the petitioners 2 to 5 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



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the satisfaction of the learned Magistrate concerned and on further condition that:

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(a)if the petitioners 2 to 5 failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioners 2 and 3 shall report before the respondent police as and when required for interrogation; and the petitioners 4 and 5 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation;

(d)the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners 2 to 5 shall not abscond either during investigation or trial;

(f)on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 released on bail by the learned



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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]; and;

(g)if the accused thereafter abscond, a fresh FIR can be registered

under Section 229-A IPC.

sd/-

08/01/2024

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Sub-Assistant Registrar

(C.S. I / II / III / IV)

Madurai Bench of Madras High Court,

Madurai - 625 023.

SJI

TO

1 THE ADDITIONAL MAHILA JUDGE
MAGISTERIAL LEVEL, TIRUCHIRAPPALLI.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TIRUCHIRAPPALLI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVERAMBUR, TRICHY DISTRICT.

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

+1 CC to M/s.B.JAMEEL ARASU, Advocate (SR-507[I] dated 10/01/2024)

ORDER IN

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Date :08/01/2024

SA/JGB/SAR. /12.01.2024/5P/6C

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