



CRL OP(MD). No.6311 of 2024

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

Date : 24/04/2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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1. Mohammed Kaja Abushali Mohamdd Iqbal
Alias Mohamed Kaja Abusaali

2. Mohammed Arshath Ali Mohamed Iqbal ... Petitioners/ Accused No.1 & 4

Vs

The Sub Inspector of Police,
All Women Police Station,
Sivagangai District.
(Crime.No.09/2023.)

... Respondent/Complainant

For Petitioners : Mr.H.Mahamedhussain, Advocate

For Respondent : Mr.P.Kottaichamy,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No. 9/2023 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, apprehending arrest at the hands of the respondent



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Police, in connection with a case in Crime No.9 of 2023, for the offence punishable under Sections 498(A), 294(b) and 506(i) IPC and Section 4 of TNPHW Act, 2002, have filed this petition seeking anticipatory bail.

2. The case of the prosecution is that due to matrimonial dispute between the 1st petitioner and his wife/defacto complainant, the 1st petitioner and his brother/2nd petitioner harassed the defacto complainant and also threatened her with dire consequences. Hence, the case.

3. The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Owing to a matrimonial dispute between the parties, a false case has been foisted against them. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) appearing for the respondent Police submitted that in this case, final report has already been filed before the concerned Court and the same is taken on file by the learned Judicial Magistrate No.I, Sivagangai.

5. Considering the facts and circumstances of the case, nature of the dispute between the parties and filing of final report, this Court is inclined to grant anticipatory bail to the petitioners.



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6. Accordingly, this Criminal Original Petition is ordered and the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within a period of fifteen days from the date of receipt of a copy of this order, before the concerned Judicial Magistrate on condition that

(i) the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand)each, with two sureties each for a like sum to the satisfaction of the learned Judicial Magistrate No.I, Sivagangai;

(ii) The petitioners and the sureties shall submit a copy of their Aadhaar Card or any other identity card issued by the government in proof of their residence address;

(iii) The petitioners shall appear before the respondent police daily at 10.30a.m., for a period of four weeks, and thereafter, shall appear before the respondent Police as and when required for interrogation. They have to co-operate for the trial;

(iv) The petitioners shall not misuse the liberty granted to them by indulging in any further offence and shall not tamper with the prosecution witnesses;

(v) On violation of any of the above conditions by the



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petitioners, the respondent police shall move an application for cancellation of the anticipatory bail.

(vi).The respondent police is directed to refer the matter to a Mediator or Social Welfare Officer to find out the possibility for amicable settlement between the defacto complainant and her husband/1st petitioner.

sd/-
24/04/2024

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/05/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

PNM

To

1.The Judicial Magistrate No.I,
Sivagangai.

2.Do through the Chief Judicial Magistrate,
Sivagangai District.

3.The Sub Inspector of Police,
All Women Police Station,
Sivagangai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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ORDER
IN
CRL OP(MD) No.6311 of 2024
Date :24/04/2024

ED/ GS /SAR- (30/04/2024) 5P / 5C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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