



CRL OP(MD)No.6857 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08.05.2024

PRESENT

The Hon`ble Mr.Justice ABDUL QUDDHOSE

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1.Farook Ali

2.Waheedha Banu

... Petitioners/ Accused Nos.2 & 3

Versus

The Inspector of Police,
(*)Golden Rock All Women Police Station,
Trichy City,
Trichy.
(Crime No.03 of 2024)

... Respondent/Complainant

For Petitioners : Mr.K.Anandraj,
Advocate

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Criminal Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.03 of 2024 on the file of the Respondent Police.

ORDER : The Court made the following order :-



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The petitioners, apprehending arrest at the hands of the respondent Police, in connection with a case in Crime No.03 of 2024 for the offences punishable under Sections 498(A), 406 and 506(i) IPC r/w Section 4 of TNPHW Act, have filed this petition seeking anticipatory bail.

2.The case of the prosecution is that the petitioners are the in-laws of the defacto complainant and the marriage between their son and the defacto complainant was solemnized on 21.09.2020. From the date of their marriage, the petitioners along with other accused harassed her, abused her with filthy language and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioners submits that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) appearing for the respondent Police submits that no previous case is pending against the petitioners.

5.Heard both sides.



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6.This Court, while granting anticipatory bail in this matter, has taken into consideration (a) gravity of the crime, (b) character of the evidence, (c) position and status of the accused with reference to the victim and witnesses, (d) likelihood of the accused fleeing from justice and repeating the offence, (e) possibility of the accused (petitioners) tampering with the witnesses and obstructing the course of justice.

7.It is also settled law that at the time of consideration of anticipatory bail application, it is neither necessary nor desirable to weigh the evidence meticulously to arrive at a positive finding as to whether or not the accused (petitioners) have committed the alleged offences. What is to be seen is whether there is a reasonable ground for believing that accused (petitioners) are not guilty of the offences they are charged with.

8.The Court has to strike a balance between the rights of the accused (petitioners) to their liberty and the interest of the society. Liberty of an accused (petitioners) cannot be snatched unreasonably for an uncertain time only on the basis of mere allegations.

9.After taking into consideration the aforementioned factors, this Court is



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inclined to grant anticipatory bail to the petitioners subject to fulfilment of the conditions stipulated in paragraph No.10 by them.

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10. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Additional Mahila Court, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.15,000/- (Rupees Fifteen Thousand only) each with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a) the petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial



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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]; and

(f) if the accused/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

11. Accordingly, this Criminal Original Petition stands ordered.

sd/-
08/05/2024

(*)Amended as per order of this Hon'ble Court in CRL MP(MD).5821/2024 in CRL OP(MD).6857/2024 dated 11/06/2024

Time granted by this Court to comply with the condition imposed vide order dated 08.05.2024 in CRL OP(MD).6857/2024 is extended for a period of ten days from the date of receipt of amended copy of this order.

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/06/2024

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

PS



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TO

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TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
20/05/2024

1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, TRICHY.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
(*)GOLDEN ROCK ALL WOMEN POLICE STATION,
TRICHY CITY, TRICHY.

4 THE INSPECTOR OF POLICE,
GOLDEN ROCK POLICE STATION, TRICHY CITY, TRICHY.

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

+1 CC to M/s.K.ANANDRAJ, Advocate (SR-6325[I] dated 11/06/2024)

ORDER IN
CRL OP(MD) No.6857 of 2024
Date :08/05/2024

SA/JGB/SAR. /16.05.2024/6P/6C

RS/VR/SAR. /20.06.2024/6P/7C

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