



Crl.O.P.(MD) No.7898 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 30.05.2024

PRESENT

THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI

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Gulzaarbee

D/o.Haleel Vahapkhan

... Petitioner/Accused No.4

Vs.

The Inspector of Police,
All Women Police Station,
Musiri AWPS,
Trichy District.
(Crime No.4 of 2024)

... Respondent/Complainant

For Petitioner : Mr.Sakthivel

For Respondent : Mrs.M.Aasha
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL under Section 438 of
Cr.P.C.

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WEB COPY PRAYER :-

For Anticipatory Bail in Crime No.4 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner/A4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498-A & 294(b) of I.P.C. read with Section 4 of the Prohibition of Harassment of Woman Act, 2002, in Crime No.4 of 2024, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that A1 to A3 are none other than the husband, mother-in-law and father-in-law of the *de facto* complainant. A1 to A3 harassed the *de facto* complainant, threatened her and demanded dowry from her while she was in matrimonial house. There was a matrimonial dispute between A1 and the *de facto* complainant and they were living separately. Thereafter, A1 husband



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married the present petitioner (A4) without getting proper divorce from the court. Hence, the complaint.

3. The learned counsel appearing for the petitioner would submit that the petitioner is innocent and she has no specific overt act against the *de facto* complainant as alleged by the prosecution and that a false case has been foisted against the petitioner. He would further submit that the marriage was solemnized between A1 and the *de facto* complainant on 24.01.2020. After few days, due to some misunderstanding between them, they were living separately. He would further submits that already, the *de facto* complainant given Kullah as per the Muslim Rituals and only thereafter, A1 married the present petitioner. The *de facto* complainant lodged the complaint in a guise of cruelty against the accused particularly the present petitioner. Hence, he would seek anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that A1 to A3 harassed the *de*



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facto complainant, threatened her and demanded dowry from her while she was in matrimonial house and further, A1 husband married the present petitioner without getting proper divorce from the court. Therefore, the marriage between the petitioner (A4) and A1 is illegal.

5. Taking into consideration of the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner without any conditions. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thuraiyur, Trichy District.

(L V G J)

30.05.2024

JEN

TO

1. The Judicial Magistrate,
Thuraiyur,
Trichy District.



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2.The Inspector of Police,
All Women Police Station,
Musiri AWPS, Trichy District.

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



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L.VICTORIA GOWRI, J.

JEN

Order in

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Date : 30.05.2024