



CRL OP(MD). No.12189 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02.12.2024

PRESENT

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

CRL OP(MD). No.12189 of 2024

Gulzaarbee

... Petitioner/ Accused No.4

Vs

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

... Respondent/ Complainant

For Petitioner : Mr.R.Sakthivel, Advocate.

For Respondent : Mr.K.Gnanasekaran

Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 482 BNSS

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/accused No.4, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 498A and 294(b) of IPC r/w Section 4 of Prohibition of Harassment of Woman Act, 2002, and Section 4 of Muslim woman (Protection of Rights on Marriage) Act, 2019, in Crime No.4 of 2024 on the file of the respondent police, seeks anticipatory bail.



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2. The case of the prosecution is that the accused 1 to 3 harassed the defacto complainant, who is none other than the daughter in law of the 2nd and 3rd accused, threatened and demanded dowry. Totally there are four accused persons in this case. The petitioner herein is the fourth accused, who is said to have illegally married the defacto complainant's husband, the first accused herein, without getting proper divorce from the Court. Hence, the complaint.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police.

4. The learned Government Advocate appearing for the respondent police on instructions submitted that the investigation is not over sofar and the charge sheet is not laid before the jurisdictional trial Court. He further submitted that A2 and A3 have already been enlarged on bail, after arrest. A1 is in abroad and he is not arrested sofar. The petitioner is the second wife of the first accused. The defacto complainant complains that without getting proper divorce from the Court, the first accused had married the petitioner.

5. The learned counsel appearing for the petitioner submitted that the petitioner is innocent and she has no specific overt act as against the defacto complainant as alleged by the prosecution and a false case has been foisted against the petitioner. He further submitted that the marriage between the first accused and



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the defacto complainant was solemnized on 24.01.2020 and in due course of time, there was some misunderstanding between them and they are living separately.

6. Denying the fact that the petitioner has married the first accused and considering the fact that A2 and A3 are enlarged on bail and taking into consideration the facts and circumstances of this case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

7. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his 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, on condition that the petitioner shall 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police daily at 10.30 a.m., for a period of fifteen days and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;



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[d]the petitioner shall not abscond either during investigation or trial;

[e] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial

Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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 thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
02/12/2024

/ TRUE COPY /

/12/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

SM
TO

1 THE JUDICIAL MAGISTRATE,
THURAIYUR, TRICHY DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, TRICHY DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMAN POLICE STATION,
MUSIRI AWPS,
TRICHY DISTRICT.



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

+1 CC to M/s.R.SAKTHIVEL, Advocate (SR-14893[I] dated 04/12/2024)

ORDER
IN
CRL OP(MD) No.12189 of 2024
Date :02/12/2024

SS/VR/SAR. /12.12.2024/5P/6C

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