



CRL OP(MD). No.18197 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 02/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.18197 of 2024

Faiyaz Ahamed

... Petitioners/ Accused

Vs

1. The State of Tamil Nadu,
Rep By, The Inspector of Police,
All Women Police Station,
Oomachikulam,
Madurai District.
(Crime No.5 of 2024).

2. Afraa Fathima ... Respondents/Complainants
R2 is suo-motu impleaded as per order of the
Court dated 23/10/2024 in Crl OP(MD).18197 of
2024 by DBCJ.

For Petitioner : M/s.A.Sheik Abdulla,

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

For Intervenor : Mr.S.M.A.Jinnah, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

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For Anticipatory Bail in Crime No.5 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 120(b), 294(b), 307, 321, 323, 327, 351, 498(A), 509, 506(2) IPC and Section 4 of TNPHW Act in Crime No.5 of 2024 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that A1 married the defacto complainant and she was put to physical and mental cruelty. There are totally 5 accused persons in this case. The petitioner is arrayed as A1.

3.All the accused persons have filed the petition for anticipatory bail. This Court considering the fact that it is a matrimonial dispute, by order, dated 23.10.2024 granted anticipatory bail to A2 to A4. Insofar as A1 is concerned, the matter was referred to the mediation, since efforts taken in the mediation Centre did not yield any fruit and there was no agreement reached between the parties, the matter was referred back to the Court.



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4.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent.

5.Taking into consideration facts and circumstances of the case and considering the fact that there was a matrimonial dispute between the parties, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is ordered and 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 No.V, Madurai*, 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 fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner and the sureties shall affix their photographs and Left Thumb



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Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[c] the petitioner shall report before the respondent police as and when required for interrogation.

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

[e] the petitioner 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 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;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS Act.

sd/-
02/12/2024

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/12/2024

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

PNM



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TO
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- 1 THE JUDICIAL MAGISTRATE NO.V, MADURAI.
 - 2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
OOMACHIKULAM,
MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1 CC to M/s.A.SHEIK ABDULLA, Advocate (SR-14909[I] dated 04/12/2024)

ORDER
IN
CRL OP(MD) No.18197 of 2024
Date :02/12/2024

SS/SKN/SAR- /16/12/2024/ 5P/6C

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