



CRL OP(MD). No.21283 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 05.12.2024

PRESENT

The Hon`ble Mr.Justice N.ANAND VENKATESH

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1.Ali Fathima

2.Rajah Ameer Sulthan @ Ameer Sulthan

... Petitioners/ Accused No.1 & 2

Vs

The Inspector of Police,
District Crime Branch,
Theni District.
(Crime No.33 of 2024)

... Respondent/Complainant

For Petitioners : Mr.N.Shyllappa Kalyan, Advocate

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

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS Act.

PRAYER :-

For Anticipatory Bail in Crime No.33 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 417, 420, 468, 471 and 120B of IPC in Crime No.33

of 2024 on the file of the respondent police, seek anticipatory bail.

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2. The case of the prosecution is that the de-facto complainant married one Irfana Jenifer in the year 2016. On 17.04.2017, his wife gave birth to a male child. Both of them decided to go to Dubai to earn money. The de-facto complainant alone went to Dubai and the wife was not able to accompany him. On 17.08.2020, the de-facto complainant's wife died in a road accident. The child, born through the marriage, was in the care and custody of his grandmother (A1). The de-facto complainant returned back to India on 28.09.2021. The accused persons refused to give custody of the child to the de-facto complainant. The proceedings are pending in this regard. While so, the petitioners started relying upon a "Kula" divorce agreement dated 20.01.2020 as if the marriage itself has been dissolved. According to the de-facto complainant, this is a fraudulent document and the same is being relied upon in the Guardian Original Petition filed by the de-facto complainant in G.W.O.P.No.57 of 2022, which is pending before the Family Court, Theni.

3. Heard the learned counsel on either side, and perused the material records of the case.

4. Taking into consideration the facts and circumstances of the case, and considering the fact that the document that has been relied upon is now the subject matter before the Court and the Court will go into the genuineness or otherwise of the "Kula" divorce agreement and no custodial interrogation is required for this



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conditions.

purpose, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

5. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the Judicial Magistrate Court, Theni, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common 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 learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition 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 appear before the respondent police as and when required for the 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS, 2023.

sd/-
05/12/2024

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

mkkn

TO

1 THE JUDICIAL MAGISTRATE,
THENI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.

3 THE INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
THENI DISTRICT.

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

+1 CC to M/s.N.SHYLLAPPA KALYAN, Advocate (SR-15112[I] dated 09/12/2024)
<https://www.mhc.tn.gov.in/judis>



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ORDER

IN

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Date :05/12/2024

RS/VR/SAR-(11.12.2024) 5P 6C

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