



Crl.O.P.No.31557 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM

THE HON'BLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

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1. Zakir Hussain
2. Marsookha
3. Ejaz

... Petitioners

Vs.

State by
The Inspector of Police,
All Women Police Station,
Ambattur, Chennai 600 058.
(in Crime No.26 of 2024)

... Respondent

PRAYER : Criminal Original Petition filed under Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, pleased to enlarge the petitioners 1 to 3 on bail in the event of their arrest in the above Crime No.26 of 2024 on the file of the respondent Police.

For Petitioners	:	Mr.M Fazulul Haq for Juris and Justia
For Respondent	:	Mr.S.Santhosh Government Advocate (Crl.side)
For Intervenor	:	Mr.K.Kannan

ORDER



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Apprehending arrest in connection with Crime No.26 of 2024

registered for the offences punishable under Sections 498(A), 377 and 506(1) of IPC, the present petition has been filed seeking anticipatory bail.

2. The case of the prosecution as per the defacto complainant Nousheen is that she got married to the first accused, on 31.12.2023 and it is alleged that the petitioners demanded dowry and also harassed her and sexually abused her and also driven her out from the matrimonial house. Hence, the case.

3. Pleading innocence on the part of the petitioners, false implication in the case, learned counsel for the petitioners seeks indulgence of this Court. Learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the first accused and the defacto complainant were living together only for ten days and due to misunderstanding, they got separated. However, on the wrong advise, the defacto complainant had given an exaggerated



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complaint. He would further submit that the defacto complainant had filed a suit in O.S.No.474 of 2024 before the Additional District Munsif, Poonamallee, to dissolve the marriage and the matter has been compromised between the parties and the entire jewels have been handed over to the defacto complainant.

4. The case of the prosecution as putforth by the learned Government Advocate (Crl.side) appearing for the respondent Police is that the defacto complainant got married to the first accused, on 31.12.2023. Thereafter, the petitioners demanded dowry and also harassed her and sexually abused her and also driven her out from the matrimonial house. Hence, he oppose for grant of anticipatory bail to the petitioners.

5. The learned counsel for the Intervenor would submit that the defacto complainant had given a complaint against the accused. While so, due to the intervention of elders, the matter has been compromised between the parties.



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6. Having heard the learned counsel for the petitioners, the learned counsel for the Intervenor and the learned Government Advocate (Crl.side) for the respondent and perused the materials available on record, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions and accordingly the petitioners are ordered to be released on bail in the event of their arrest or on their appearance within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Ambattur, Chennai on condition that the petitioners shall execute a separate bond each for a sum of Rs.10,000/- (Rupees Ten Thousand only), each 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 petitioners failed to surrender before the said Magistrate within a period of four weeks, this Order shall stand automatically cancelled;

[b] the petitioners shall report before the respondent Police as and when required for investigation;

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



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[d] the petitioners 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 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.

03.01.2025

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A.D.JAGADISH CHANDIRA.,J.

mn



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To
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1. The Inspector of Police,
All Women Police Station,
Ambattur, Chennai 600 058.
2. The Public Prosecutor,
High Court of Madras.

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