



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Tuesday, the Twentieth day of January Two Thousand Fifteen
PRESENT

THE HON'BLE MR JUSTICE P.N.PRAKASH
CRL OP(MD) No.23908 of 2014

AMJATHKHAN,

... PETITIONER/ACCUSED NO.1

Vs

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION, RAMESWARAM,

RAMNAD DISTRICT. (CRIME NO.22/2014)

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.EDDY AND EMBOSS LAW FIRM Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

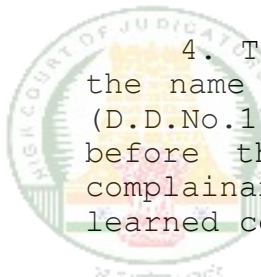
The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 406 and 506(ii) IPC in Crime No.22 of 2014 on the file of the respondent police, seeks anticipatory bail.

2. On 7.1.2015, this Court passed the following order:

'The case of the prosecution is that the petitioner's brother had promised to marry the defacto complainant and had obtained 14 1/2 sovereigns of gold and Rs.2,50,000/- as cash. Thereafter, he went into hiding. The defacto complainant lodged a complaint earlier before the police. At that time, the brother of the petitioner came forward to give her Rs.2,50,000/- and told her that the jewellery given by her are with his brother and that his brother will definitely marry her. On that promise, she accepted Rs.2,50,000/-. Now the petitioner has created a document dated 15.10.2014 and produced the same before this Court, as if the defacto complainant had agreed to go back. This Court had little doubt about the said document and directed the defacto complainant to be present before this Court. Today, the defacto complainant is present and she informs this Court that she had not signed in this document and she had signed another document in which it was agreed by the petitioner that his brother will marry her. On a perusal of the document dated 15.10.2014 produced by the petitioner, there is yawning gap between the last line that is typed and the signature of the defacto complainant, which caused suspicion in the mind of this Court. There seems to be force in the submission of the defacto complainant. Any relief could be granted to the petitioner only if he returns 14 1/2 sovereigns of gold to the defacto complainant'

3. On 12.01.2015 this Court passed the following order:

"The petitioner has taken a sum of Rs.1.10 lakhs and 14 1/2 sovereigns of jewels from the defacto complainant. Thus, at the rate of Rs.22,000 per sovereign of gold 14 1/2 sovereigns of gold comes to Rs.3,18,000/-. Thus, totally the petitioner has to give a sum of Rs.4,28,000/- (Rs.3,18,000/- + 1,10,000). The defacto complainant had admitted that he received a sum of Rs.2,50,000/- and now the petitioner has offered to pay a sum of Rs.1,78,000/- (Rupees one lakh and seventy eight thousand only) which is willing to pay by the petitioner".



4. Today the petitioner has given a Demand Draft drawn in favour of the name of the defacto complainant in Bank of Baroda dated 19.01.2014 (D.D.No.174387) for Rs.1,78,000/-. The defacto complainant is present before this Court. The Demand Draft is handed over to the defacto complainant in the open court. She is assisted by Mr.S.A.S.Alavudeen, learned counsel.

5. Heard the learned counsel for the petitioner and the learned counsel appearing for the defacto complainant and the learned Government Advocate (Crl.side) appearing for the State.

6. Considering the facts and circumstances of the case, I am inclined to grant anticipatory bail to the petitioner. As regards the other claims the parties shall work out before appropriate forum.

7. Accordingly, the petitioner is ordered to be released on 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, Rameswaram, Ramnad 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 learned Magistrate concerned and on further condition that:

[a] the petitioner shall report before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

[b] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioner shall not abscond either during investigation or trial.

[d] 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].

sd/-
20/01/2015

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)

TO

1. THE JUDICIAL MAGISTRATE, RAMESWARAM, RAMNAD DISTRICT.
2. -DO- THRO THE CHIEF JUDICIAL MAGISTRATE, RAMANATHAPURAM.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAMESWARAM, RAMNAD DISTRICT.
- 4 THE ADDL.PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.EDDY AND EMOSS LAW FIRM Advocate SR.No.2731
SR : 23.01.2015 : 2P/6C