



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

Monday, the Fourth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.16505 of 2017

1 C. PRADEEP KUMAR,
2 A. SHANTHI,
3 C. PREM KUMAR,
4 C. RAMKUMAR,
5 C. PRAVEEN KUMAR,

... PETITIONERS/ACCUSED NO.1 TO 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGERCOIL, KANYAKUMARI DISTRICT,
CR.NO.31 OF 2017

... RESPONDENT/ COMPLAINANT

For Petitioners : M/S.P.PRABHAKARAN Advocate

For Respondent : MR.K.ANBARASAN Government Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 498A, 406, 294(b), 323 and 506(i) I.P.c., and Sections 3, 4 and 6 of dowry prohibition Act ., in Crime No.31 of 2017, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner having illegal intimacy with the defacto complainant, thereby, they are blessed with a child on 26.02.2016 without marriage. After birth of the child, the defacto complainant made a complaint before the Deputy Superintendent of Police, Kanyakumari against the first petitioner. Thereafter the first petitioner married the defacto complainant in the Sub Registrar Office, Thovalai. After the marriage, they started matrimonial life in Chennai. After that, the first petitioner left the defacto complainant in her parental house and eloped with other woman, who was the accused no.6 in the F.I.R. Aggrieved over the same, the defacto complainant lodged a complaint before the respondent police.



3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they have been falsely implicated in this case and they did not commit any offence as alleged by the prosecution. He further submitted that taking advantage of the birth of child in between the petitioner and the defacto complainant, the father of the defacto complainant made a complaint and under the pressure of defacto complainant's father and her family members, the first petitioner signed in the marriage register before the Sub Registrar, Thovalai. Hence he prays for the anticipatory bail.

4.The learned Government Advocate (Crl.side) appearing for the State, on instructions, would submit that on the particular day, the defacto complainant questioned the first petitioner with regard to the illegal intimacy with the accused no.6, thereby, the first petitioner attacked the the defacto complainant and her child, due to the attack, the child was admitted in the Hospital, the defacto complainant also taking treatment as out patient. If the petitioners will be granted anticipatory bail, the first petitioner will interfere the case and temper the witness since he belongs to the Law Enforcing Agency. Hence the learned Government Advocate (Crl.side) vehemently opposed to this Court to grant anticipatory bail to the first petitioner and his family members.

5.Considering the facts and circumstances of the case and considering the submission made by the learned Government Advocate (Crl.side) and also considering the gravity of offence committed by the first petitioner and his family members, this Court is not inclined to grant anticipatory bail to the petitioners. Accordingly, the anticipatory bail is dismissed.

sd/-
04/12/2017

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

MSA
TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT

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



3 THE DEPUTY SUPERINTENDENT OF POLICE,
KANYAKUMARI.

+1. CC to M/S.P.PRABHAKARAN Advocate SR.No.35500

GJM/PN/SAR-I-11.12.2017-3P-5C

ORDER

IN

CRL OP (MD) No.16505 of 2017

Date :04/12/2017