



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

Wednesday, the Sixth day of December Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.16700 of 2017

1 GNANASAGAYA SANDHYA
2 KISHORE KANNAN

...PETITIONERS/ ACCUSED NO.1 & 2

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
FORT STATION, TRICHY CITY.
(CRIME NO.16 OF 2017)

... RESPONDENT / COMPLAINANT

For Petitioners: M/S.VEERA KATHIRAVAN, Senior Counsel for
M/S.B.JAMEEL ARASU Advocate

For Respondent : Govt. Advocate (Crl. Side)

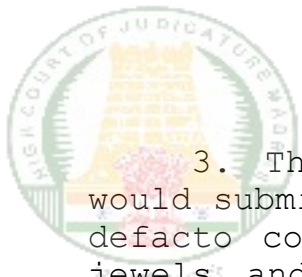
For Intervenor : M/S. A.THIRUVADIKUMAR, Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos.1 and 2, apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420, 406 and 506(i) of IPC, in Crime No.16 of 2017, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant initially decided to marry the first petitioner. However, due to personal reasons the first petitioner is not able to marry with the Defacto Complainant and thereafter the first petitioner eloped with the second petitioner and got married and the marriage was solemnized on 26.10.2017. After marriage, the defacto complainant lodged a complaint before the respondent police on 16.11.2017 stating that since the first petitioner's marriage was fixed with the defacto complainant, he spent huge amount by giving 13 sovereigns of gold and Rs.2,63,225/- to the first petitioner and the first petitioner did not repay the amount and jewels. Based on the complaint, a case has been registered for the above said offences against the petitioners.



3. The learned Senior Counsel appearing for the petitioners would submit that without going to the merits of the case, since the defacto complainant filed a complaint only for non-return of gold jewels and the amount of Rs.2,63,225/- in order to prove their innocence, they are ready to deposit the amount imposed by this Court. He further submitted that though this petitioner filed anticipatory bail petition before this Court in earlier occasion, this Court dismissed the anticipatory bail for non-prosecution. The change of circumstances in this present anticipatory bail is that the earlier petition filed by the petitioner was not dismissed on merits. Hence, the present petition.

4. The learned counsel appearing for the intervenor would submit that stringent conditions may be imposed against the petitioners in order to protect the interest of the defacto complainant before the Trial Court.

5. The learned Government Advocate (Criminal side) appearing for the respondent did not dispute the submissions made by the learned Senior Counsel appearing for the petitioners as well as the learned counsel appearing for the intervenor. He also submitted that the earlier anticipatory bail petition filed by the petitioners before this Court was dismissed for default. This is the second anticipatory bail petition.

6. Considering the facts and circumstances of the case and also in view of the above submissions made by the learned Senior Counsel appearing for the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions. 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 is made ready, before the learned Judicial Magistrate No.V, Trichy, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees twenty five thousand only) each, with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

- (i) the petitioners shall deposit a sum of Rs.2,50,000/- to the credit of Crime No.16 of 2017 before the Trial Court;
- (ii) the petitioners shall make themselves available for interrogation including custodial interrogation as and when required by the investigation officer;
- (iii) the petitioners shall not tamper with evidence or witness either during investigation or trial;
- (iv) the petitioners shall not commit any offence while on bail;



(v) 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 and the anticipatory bail granted stands cancelled automatically.

WEB COPY

sd/-
06/12/2017

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE NO.V, TRICHY.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TRICHY.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, FORT STATION, TRICHY CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.35727
+1CC TO M/S.A.THIRUVADIKUMAR, ADVOCATE, SR NO.35707

ORDER
IN
CRL OP(MD) No.16700 of 2017
Date :06/12/2017

MS/CM-VR/SAR.1/07.12.2017/3P.7C