

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18520 of 2018

1 M.NAGOOR MEERAN, [PETITIONERS / ACCUSED]
2 BEER MOHAMMED,
3 GULSATH BEGUM,
4 SHAJAHAN,
5 JARINA BEGUM,
6 JAGAPPAR NISHA,
7 MOHAMMED SETTU,

Vs

STATE REP. BY: [RESPONDENT]
THE INSPECTOR OF POLICE,
W-30 POONAMALLEE ALL WOMEN POLICE STATION,
POONAMALLEE,
CHENNAI.
CR. NO. NOT KNOWN OF 2018.

For Petitioner : M/S.M.SOUNDAR VIJAY ARUL RAM Advocate

For Respondent : MR. C.IYYAPPARAJ, Additional Public Prosecutor

For Intervener : M/S. M.R.KUYILAN, Advocate

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 under Sections 417 and 420 I.P.C. in Cr.No.Not Known on the file of the respondent police, seeks anticipatory bail.

2. It is the case of the prosecution that the petitioner and other family members have arranged for marriage with the defacto complainant for which the Betrothal was done in front of the relatives and family members. Thereafter a marriage date was fixed in the month of May 2017. Thereafter, the marriage was stopped. Hence, the defacto complainant has lodged a complaint against the petitioners to the respondent police. The respondent police registered a case against the petitioners.

3.The learned counsel appearing for the petitioners would submit that the defacto complainant has given her e-mail password to the first petitioner for the purpose of forwarding e-mail from the defacto complainant. After some time, the first petitioner saw the photos of defacto complainant along with some other person, which was forwarded to Social Media and immediately after that the first petitioner informed the defacto complainant that he does not wish to marry her and thereby the present complaint.

4.The learned counsel appearing for the intervenor would submit that the petitioner refused to marry the defacto complainant, however, her family spent huge amount for Betrothal.

5.The learned Additional Public Prosecutor appearing for the State would submit that the case has been registered and investigation is still pending.

6.In view of the above, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 of receipt of a copy of this order, before the learned Judicial Magistrate, Poonamallee, on condition that the petitioners shall execute a separate bond 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 learned Magistrate concerned and on further condition that:

(a)the petitioners shall pay a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) to the defacto complainant, within a period of two weeks.

(b)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;

(c)the petitioners shall report before the respondent police, as and when required for interrogation;

(d)the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e)the petitioners shall not abscond either during investigation or trial;

(f)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 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]**; and;

(g)if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

09/08/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
POONAMALLEE,

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-30 POONAMALLEE ALL WOMEN POLICE STATION,
POONAMALLEE, CHENNAI.

+1 CC to M/S.M.SOUNDAR VIJAY ARUL RAM Advocate on payment of necessary charges SR.NO. 14970

+1 CC to M/S. A.VIGNESH, Advocate on payment of necessary charges SR.NO. 14989

CRL OP.18520/2018

Date :09/08/2018

TA-14/08/2018

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