



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

Wednesday, the Twenty Eighth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3133 of 2018

M.VENKATESAN

... PETITIONER / ACCUSED NO.1

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VALLAM, TANJORE DISTRICT.
CRIME NO.2 OF 2018

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.S.VIJAYAKUMAR Advocate

For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

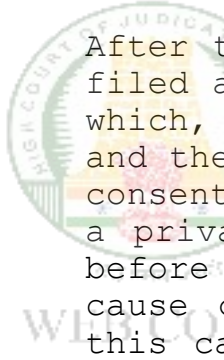
The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 465 and 417 I.P.C., in Crime No.02 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that the marriage between the petitioner and the defacto complainant was solemnized on 11.04.2016. During the time of marriage, the petitioner and his family members demanded an additional dowry from the defacto complainant's family. Further, the petitioner forged the school records and college records as he has attained the age of majority, got married with the defacto complainant. Hence, a case has been registered for the said offences.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person, he has not committed any offence as alleged by the prosecution, further added that he has been falsely implicated in this case. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that investigation is still pending.

5.The submissions made by the learned counsel appearing on either side are considered. Admittedly, the marriage between the petitioner and the defacto complainant was solemnized on 11.04.2016.



After the marriage, on 05.12.2016 itself the petitioner herein has filed a case before the Family Court in H.M.O.P.No.1052 of 2016, in which, he seeking the relief of divorce. Thereafter, the petitioner and the defacto complainant entered into a compromise in writing for consent divorce. Subsequent to that, the defacto complainant lodged a private complaint in C.C.No.47 of 2017 under Section 200 Cr.P.C before the learned Judicial Magistrate No.II, Tanjore for the same cause of action by adding the new persons as accused. Then only, this case has been registered, based on the complaint given by the defacto complainant. In that complaint, the defacto complainant stating that during the time of marriage, the petitioner forged the school records and college records as he has attained the age of majority and got married with the defacto complainant. Now, considering the facts and circumstances of the case and also considering the previous antecedents of the petitioner, this Court came to the conclusion that custodial interrogation of the petitioner may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, he 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 No.II. Tanjore, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) 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 petitioner shall report before the respondent police daily at 10.00 a.m. for a period of three weeks, thereafter, as and when required for interrogation.
- (ii) the petitioner shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioner shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioner shall stand automatically cancelled and 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/-

28/02/2018

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.II, TANJORE.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TANJORE DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VALLAM, TANJORE DISTRICT.

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

+1. CC to M/S.S.VIJAYAKUMAR Advocate SR.No.3197

ORDER

IN

CRL OP (MD) No.3133 of 2018

Date :28/02/2018

MKV-PM-PN-SAR 4/9.3.2018/3P-6C