



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

Friday, the Fifth day of January Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP(MD) No.15087 of 2017

1 V.NARAYANAN

2 N.LATHA

... PETITIONERS/ACCUSED Nos.2 and 3

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI, THENI DISTRICT.
CRIME NO.25/2017.

... RESPONDENT/COMPLAINANT

For Petitioner : M/S.G.KARUPPASAMY PANDIAN Advocate

For Respondent : MR.K.S.DURAIPANDIAN, Additional Public Prosecutor

For Intervenor : MR.A.MITHUNCHAKARAVARTHI, Advocate

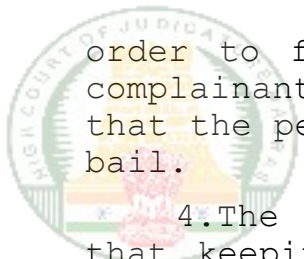
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 417, 420, 294(b), 109 and 506(i) I.P.C., in Crime No. 25 of 2017, they have filed this petition, seeking relief to grant of anticipatory bail.

2.The case of the prosecution is that the petitioners' family and defacto complainant family are friends. Due to that intimacy, the defacto complainant and A1 fell on love with each other. Thereafter, without the knowledge and consent of the A1 family members, the defacto complainant family has arranged marriage, for which, A1 informed the defacto complainant that he went to his native to obtain permission from this petitioners. Then A1 fails to return back for the marriage, thereby, the defacto complainant along with her family members went to the petitioners house and at that time the petitioners used filthy language and threatened them with dire consequences. Hence, the defacto complainant lodged a complaint before the respondent police.

3.The learned counsel appearing for the petitioners submitted that the petitioner herein were not involved any occurrence as alleged by the prosecution. The defacto complainant parents in



order to fulfill their willingness of marrying A1 to the defacto complainant, they were arranged the marriage. He further submitted that the petitioners are innocents. Hence, he prays for anticipatory bail.

4. The learned counsel appearing for the intervenor submitted that keeping reliance on hope and promise made by A2 and his son Alagubalakumar, the defacto complainant's family pursued with marriage activities and a sum of Rs.5,00,000/- has been spent for the marriage. But the said Alagubalakumar failed to come and informed to the defacto complainant and he was going to his home in Theni to meet his parents and to convenience them. Per contra, the defacto complainant and her family members were treated in other way and also threatened by respondents to immediately leave the town. Thereby, the defacto complainant lodged a complaint to All Women Police Station, Theni. But the defacto complainant had been continuously under the threat from the side of the respondent through various means and phone calls. Hence, the learned counsel for the intervenor vehemently opposed to grant anticipatory bail to the petitioners herein.

5. The learned Government Advocate (Crl.Side) Submitted that investigation is not completed. A1 was already arrested and released on bail by the trial Court.

6. Considering the submissions made on either side, it disclose that the Offence under Sections 417, 420, 294(b), 109 and 506(i) I.P.C., in Crime No. 25 of 2017, has been registered against the petitioners. According to the prosecution of the case, investigation is not completed. A1 in this case was already arrested and granted bail by the trial Court. Now, the parents of the A1 have filed this anticipatory bail application. On go through the facts of the case, during the time when the marriage arrangements were taken by the parents of the defacto complainant and by A1, the petitioners only intervened and abused the defacto complainant, as a result, the marriage between the defacto complainant and the A1 was not happened. Now the learned counsel for the petitioner represented that the first petitioner alone having right to take decision whether the marriage is necessary with the defacto complainant or not. Being the parents of first accused, the petitioners herein are also having responsibility for the marriage of their son. Since alleged offence relates to the life of the defacto complainant .If this anticipatory bail application is allowed, there will be a chance to tamper the witness or hamper the investigation by the petitioners herein. Hence, this Court is not inclined to grant anticipatory bail to the petitioners/A2 and A3. Accordingly, this Criminal original petition is dismissed.

sd/-
05/01/2018

/ TRUE COPY /



TO

1 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THENI, THENI DISTRICT.

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

ORDER

IN

CRL OP(MD) No.15087 of 2017

Date :05/01/2018

PK/CM-VR/SAR-2/17.01.2018 : 3P/3C