



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

Tuesday, the Ninth day of October Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) No.12658 of 2018

1 M.PRABHU
2 MURUGESAN
3 ANITHA
4 SINDHUJA
5 SUBA

... PETITIONERS/ ACCUSED Nos. 1 to 5

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
NAGERCOIL,
KANYAKUMARI DISTRICT
(CRIME NO.31 OF 2018)

... RESPONDENT / COMPLAINANT

N.ANGAL VINNARASI

... INTERVENE PETITIONER/DEFACTO
COMPLAINANT
(CRL MP(MD) No.5970 of 2018 in
CRL OP(MD) No.12658 of 2018)

For Petitioners : MR.L.GEORGE PAUL ANTO Advocate

For Respondent : MR.V.NEELAKANDAN, ADDITIONAL PUBLIC PROSECUTOR

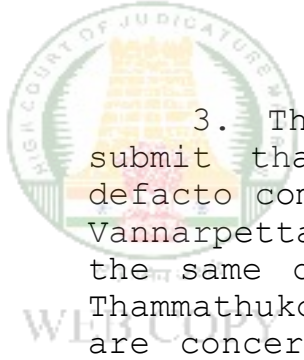
For Intervener : MR.P.MUTHUVIJYAPANDIAN, Advocate

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

ORDER : The Court Made the following order :-

The petitioners apprehend arrest at the hands of the respondent police for the offences punishable under Sections 420 I.P.C, in Crime No.31 of 2018, seek anticipatory bail.

2.The case of the prosecution is that believing false assurance of the accused persons, the defacto complainant eloped with the first accused with 75 sovereign of gold and the accused persons forcibly obtained Rs.10 lakhs from the defacto complainant's father. Further they also demanded 100 sovereign of gold and One Crore rupees from the defacto complainant. Hence the complaint.



3. The learned counsel appearing for the petitioners would submit that the marriage between the first petitioner and the defacto complainant was solemnized on 04.09.2017 at Zackaariya Hall, Vannarpettai, Tirunelveli and the same was registered. Thereafter, the same day, the marriage reception was conducted at SLS Mahal, Thammathukonam, Nagercoil. As far as the other petitioners 2 to 5 are concerned, they are no way connected with the allegations as alleged by the prosecution.

4. The learned counsel for the intervenor would submit that at the time of engagement between the first petitioner and the defacto complainant, they received 38 sovereign of gold and received a sum of Rs.10 lakhs from the defacto complainant's father. Further he would submit that already between the first petitioner and the defacto complainant, there was a marriage proposal. Thereafter, it was stopped. Utilising that those circumstances, second time they demanded exorbitant money and jewels. Therefore, he vehemently opposed the grant of anticipatory bail to the petitioners. He would further submit that the H.M.O.P petition filed by the first petitioner for restitution of conjugal rights has been stayed by this Court in C.R.P. (MD) No.1995 of 2018.

5. Heard the learned Government Advocate (Criminal Side) appearing for the respondent.

6. It is seen from the records that the petitioner and the defacto complainant got married on 04.09.2017. Due to some misunderstanding, the petitioner filed a petition in H.M.O.P. No. 209 of 2018 before the Family Court, Kanyakumari District at Nagercoil for restitution of conjugal rights as against the defacto complainant and the same is pending. Further, this Court has also enquired the first petitioner as well as the defacto complainant. The defacto complainant refused to live with the first petitioner, whereas the first petitioner is still willing to live with the defacto complainant.

7. Considering the facts and circumstances of the case, this Court is 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 before the learned Judicial Magistrate cum Additional Mahila Court, Nagercoil, Kanyakumari District and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the first petitioner shall appear before the respondent police daily at 10.30.a.m for a period of two weeks, thereafter as and when required for interrogation. The petitioners 2 to 5 are shall appear before the respondent police as and when required for interrogation. The petitioners shall comply with the conditions stipulated under Section 438 Cr.P.C.



8. The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

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/ TRUE COPY /

sd/-
09/10/2018

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

TO

- 1 THE JUDICIAL MAGISTRATE CUM ADDITIONAL MAHILA COURT,
NAGERCOIL, KANYAKUMARI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, NAGERCOIL,
KANYAKUMARI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

+1. CC to Mr.L.GEORGE PAUL ANTO Advocate SR.No.19349
+1. CC to Mr.P.MUTHUPANDIAN Advocate SR.No. 19195

ORDER
IN
CRL OP(MD) No.12658 of 2018
Date :09/10/2018

MSI/RR/SAR-IV/22.10.2018-3P/7C