



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

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP (MD) No.13408 of 2018

1 B.RAJIVKANNA

2 P.BALAMURUGESAN

3 B.PUSHPAM

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)

Vs

STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

MADURAI NORTH, TALLAKULAM,

MADURAI- 625 002.

CRIME NO.NOT KNOWN OF 2018

... RESPONDENT / COMPLAINANT

For Petitioners: Mr.A.KANNAN, Advocate

For Respondent : Mr.A.ROBINSON, Government Advocate(Crl.Side)

For Intervenor : Mr.R.ALAGUMANI, Advocate

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

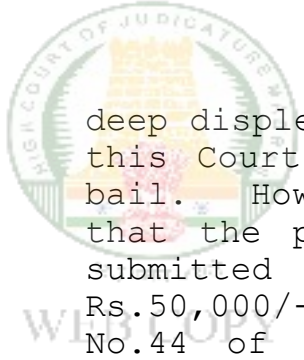
ORDER : The Court Made the following order :-

The petitioners, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 417 and 506(i) IPC in Crime No.44 of 2018, seek anticipatory bail.

2.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Crl. Side) appearing for the respondent Police.

3.The case of the petitioners is that the marriage between the first petitioner and the de facto complainant was scheduled to be solemnized on 01.07.2018. Even betrothal function was over and all arrangements has been made literally. At the last moment, the marriage was cancelled, as the petitioners demanded for extra dowry. This allegation made by the de facto complainant, is denied by the petitioners.

4.Be that as it may, this Court wanted to know as to why the marriage was cancelled at the instance of the petitioners. The learned counsel for the petitioners gave an explanation, which this Court does not want to elaborate. However, this Court expresses



deep displeasure over the conduct of the first petitioner herein and this Court was inclined to dismiss this petition for anticipatory bail. However, the learned counsel for the petitioner submitted that the petitioners are willing to be put on terms. He further submitted that the first petitioner shall deposit a sum of Rs.50,000/- (Rupees Fifty thousand only) to the credit of Crime No.44 of 2018 before the Jurisdictional Magistrate. He further submitted that notwithstanding the outcome of the prosecution in question, the de facto complainant can withdraw the same and that the same would be treated as non-refundable remittance. It is made clear that this would not foreclose the de facto complainant in prosecuting the petitioners for breach of promise to marry. Thus, reserving the rights of the de facto complainant to proceed against the petitioners, this criminal original petition is allowed.

5.This Court is of the view that arrest of the petitioners, is not going to serve any purpose and grant of anticipatory bail, may not hamper the investigation. Though, this Court has expressed deep displeasure over the conduct of the first petitioner, the case against the petitioners will be disposed of on its own merits, without influenced by any of the observations made herein.

6.Recording the undertaking given by the petitioners, 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 No.II, Madurai and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two common sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners 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. scrupulously.

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

sd/-

01/08/2018

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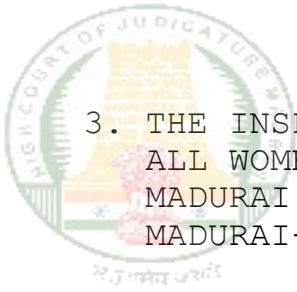
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1. THE JUDICIAL MAGISTRATE NO.II, MADURAI.

<https://hcservices.ecourts.gov.in/hcservices/>

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.



3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
MADURAI NORTH, TALLAKULAM,
MADURAI- 625 002.

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

+1. CC to Mr.A.KANNAN Advocate SR.No.76145
+1CC TO Mr.R.ALAGUMANI, Advocate, SR No.14677

ORDER
IN
CRL OP(MD) No.13408 of 2018
Date :01/08/2018

MS/PN/SAR-4/10.08.2018/3P.7C