



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

Wednesday, the Twenty Eighth day of November Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.21103 of 2018

K.MATHANKUMAR

... PETITIONER/ ACCUSED

Vs

THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THILAGAR THIDAL,
MADURAI CITY.

... RESPONDENT / COMPLAINANT

For Petitioner : Mr.V.JANAKIRAMULU Advocate

For Respondent : Mr.M.ASOKAN Govt. Advocate (Crl. Side)

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 offences punishable under Sections 417 and 506(i) IPC 395 IPC in Crime No.13 of 2018, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner was engaged to the defacto complainant's daughter on 31.08.2018, after the customary visit of the both families and after the petitioner concurring for the marriage with the defacto complainant's daughter, towards which, the defacto complainant spent a sum of Rs.2,00,000/- (Rupees Two Lakhs only). Thereafter, the defacto complainant received a phone call from Ramanathapuram Police Station, Coimbatore, that the petitioner and one Preethi have got married and they are in police station. Thereafter, the defacto complainant and his wife rushed to the said police station and saw the petitioner's parents and Preethy's parents. The police have advised both the parents of the petitioner and Preethy that not to disturb them as the marriage has been solemnized in the marriage centre for inter-caste marriage and marriage certificate was also issued. When the defacto complainant wanted to lodge a complaint, he was advised by the Ramanathapuram Police, to approach the respondent herein. Thereafter, the defacto complainant lodged a complaint before the respondent police and the same was registered in Crime No.13 of 2018.



3. The learned counsel for the petitioner submitted that the petitioner and the said Preethi were in love for the past seven years. The entire betrothal arrangement was done by the petitioner's parents without knowledge of the petitioner. This fact is also known to the defacto complainant. The petitioner was forced and compelled to attend the betrothal.

4. Heard the learned Government Counsel (Crl.side) appearing for the respondent.

5. Considering the above, since the defacto complainant preferred a complaint only against the petitioner and not against the petitioner's parents, the petitioner 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 Court No.2, Madurai, on condition that the petitioner shall execute 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 said Magistrate, on further condition that:

[a] if the petitioner fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioner shall report before the respondent police as and when required.

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, 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].

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/11/2018

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE NO II, MADURAI.

2. THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THILAGAR THIDAL, MADURAI CITY.

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

+1. CC to Mr.V.JANAKIRAMULU Advocate SR.No.22321

ORDER

IN

CRL OP (MD) No.21103 of 2018

Date :28/11/2018

TK/PN/SAR-3/05.12.2018/3P/6C