



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

Tuesday, the Ninth day of October Two Thousand Eighteen

WEB COPY

PRESENT

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

CRL OP (MD) No.16376 of 2018

1 MAYAKANNAN
2 ALAGUMALAI
3 PERUMAYEE

... PETITIONERS / ACCUSED 1 to 3

Vs

STATE,
REP.BY THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.
(CRIME NO.17/2018)

... RESPONDENT / COMPLAINANT

P.ARUNTHEVI

... PETITIONER/INTERVENER/DEFACTO COMPLAINANT
IN CRL MP (MD).NO.8067 OF 2018 IN
CRL OP (MD).NO.16376/18

For Petitioner : MR.S.MAHENDRAPATHY Advocate

For Respondent : MRS.M.ANANTHA DEVI,
Government Advocate (Crl. Side)

For Intervener : Mr.R.CHANDRAKUMAR Advocate

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417 and 506(i) I.P.C @ Sections 417, 506(i) and 494 I.P.C in Crime No.17 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner fell in love with the defacto complainant, aged about 21 years. On 20.10.2017, they got married at Kamatchiamman Kovil at Coimbatore. Thereafter, they stated in the first petitioner's house for eight months. After that the solemnization of the marriage known to the second and third petitioners herein. Thereafter, the petitioner demanded 50 sovereigns of gold and cash as dowry. Now, the first petitioner married another girl. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners are innocents. They did not commit any offence as alleged by the prosecution. The marriage itself did not solemnize between the first petitioner and the defacto complainant. The second and third petitioners are parents of the first petitioner and they have no way connected with the occurrence. Hence, he prays for anticipatory bail to the petitioners.

4.The learned counsel appearing for the intervener would submit that there are so many photographs and evidence are available to show that the marriage was solemnized between the first petitioner and the defacto complainant. Because of the Caste, the first petitioner refused to live with the defacto complainant and married the another lady. Hence, he vehemently opposed the grant of anticipatory bail to the petitioners.

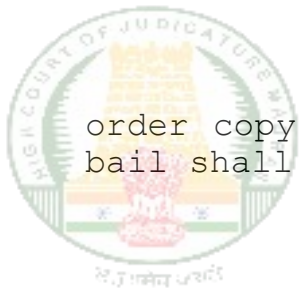
5.The learned Government Advocate (CrI.Side) submitted that the first petitioner and the defacto complainant fell in love with each other and got married. He also produced the statement recorded under Section 164 Cr.P.C. of the defacto complainant. Hence, he opposed the grant of anticipatory bail to the petitioners.

6.It is seen from the statement recorded under Section 164 Cr.P.C of the defacto complainant that the defacto complainant and the first petitioner fell in love with each other and got married and also jointly living for more than six months. Thereafter, the first petitioner got married with another lady and also demanded dowry from the defacto complainant to take her to the matrimonial home.

7.Considering the allegations made as against the first petitioner, this Court is not inclined to grant anticipatory bail to the first petitioner. Accordingly, this criminal original petition is dismissed as far as the first petitioner is concerned.

8.Taking note of the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 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, Melur and on their executing a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further condition that the petitioners 2 and 3 shall appear before the respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation. The petitioners 2 and 3 shall comply with the conditions stipulated under Section 438 Cr.P.C. scrupulously.

9.The petitioners 2 and 3 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.

sd/-
09/10/2018

WEB COPY

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE, MELUR.
- 2.DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MELUR, MADURAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to MR.S.MAHENDRAPATHY Advocate SR.No.19471
+1. CC to MR.R.CHANDRAKUMAR Advocate SR.No.19331

ORDER
IN
CRL OP(MD) No.16376 of 2018
Date :09/10/2018

MSA
AE/JC/SAR4/15.10.2018/3P/7C