



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

Thursday, the Twenty Eighth day of February Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.3119 of 2019

1 MEGANATHAN
2 PUSHPAM

... PETITIONERS / ACCUSED No. 2 & 3

Vs

THE STATE REP., BY
THE INSPECTOR OF POLICE,
AWPS., RAMESHWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.
(CRIME NO.2 OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.R.GANDHI Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate(Crl. Side)

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 alleged offences under Section 366, 376, 417, 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, in Cr.No.2 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that petitioner's A1 had physical relationship with the defacto complainant victim girl on false promise as to marry her, thereafter, when she demanded him to marry, he refused to marry her. When, the same was informed to the parents of the A1, they also abused her in filthy language and demanded more dowry to perform marriage with A1. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He further submits that A1 was already arrested and remanded in the judicial custody and if A1 agreed to marry the victim girl, they have no objection for the same. Accordingly, he prayed for anticipatory bail.



4. The learned Government Advocate (Crl.Side) appearing for the State would submit that since the petitioners agreed to arrange marriage between the victim girl and A1, this court may pass appropriate orders.

5. Considering the facts and circumstances of this case and considering the fact that the petitioners agreed to perform marriage between the victim girl and A1, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Ramanathapuram, on condition that the petitioners shall execute 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 respondent police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police as when required for interrogation;

(c) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
28/02/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO II
RAMANATHAPURAM



2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
RAMANATHAPURAM DISTRICT

3 THE INSPECTOR OF POLICE,
AWPS., RAMESHWARAM POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1. CC to MR.R.GANDHI Advocate SR.No.4220

ORDER

IN

CRL OP(MD) No.3119 of 2019

Date :28/02/2019

MSI/PN/SAR 4/06.03.2019/3P-6C