



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

Friday, the Twenty Fifth day of January Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) Nos.20815 and 21604 of 2018

K. BALACHANDAR

... PETITIONER / ACCUSED

RANK NOT KNOWN

IN CRL OP(MD) No.20815 of 2018

1.YASOTHA

2.UTHAYAKUMAR

...PETITIONERS / ACCUSED No.2 and 3

IN CRL OP(MD) No.21604 of 2018

Vs

STATE REP.BY

THE SUB INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

RAMANATHAPURAM DISTRICT.

Crime No.17 of 2018

... RESPONDENT / COMPLAINANT

IN CRL OP(MD) No.20815 of 2018

STATE REP.BY

THE INSPECTOR OF POLICE

ALL WOMEN POLICE STATION,

RAMANATHAPURAM DISTRICT.

Crime No.17 of 2018

... RESPONDENT / COMPLAINANT

IN CRL OP(MD) No.21604 of 2018

SUGANYA

...PETITIONER/DEFACTO COMPLAINANT

CRL MP(MD)No.10118 of 2018

IN CRL OP(MD) No.20815 of 2018

For Petitioner : Mr.N.S.PONNAIAH Advocate
IN CRL OP(MD) No.20815 of 2018

For Petitioners : Mr.A.UTHAYAKUMAR Advocate
IN CRL OP(MD) No.21604 of 2018

For Respondent : Mr.K.SUYAMBULINGA BHARATHI
Govt. Advocate (Crl. Side)
IN BOTH PETITIONS

For Intervenor :Mr.T.VEERAKUMAR Advocate
<https://hcservices.ecourts.gov.in/hcservices/> CRL MP(MD)No.10118 of 2018
IN CRL OP(MD) No.20815 of 2018



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

ORDER : The Court Made the following order :-

The petitioners in CrI.O.P(MD)No.20815 of 2018 is A1 and the petitioners in CrI.O.P(MD)No.21604 of 2018 are the accused Nos.2 & 3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 376 and 506(ii) of IPC and Section 4 of Dowry Prohibition Act, in Cr.No.17 of 2018 seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant fell in love with the accused No.1. Due to which, A1 has given a false promise to marry the defacto complainant and based on the promise both were shared the physical relationship with each other. The victim girl was already married another man. The first accused caused trouble to the defacto complainant and due to that there was a village panchayat convened and the village elders has locally separated the marriage between the defacto complainant and her husband. After separation, the defacto complainant and the first accused had enjoyed the physical relationship. Due to that, the defacto complainant had insisted the first accused for performing marriage, which was refused by the first accused. Therefore, she lodged a complainant before the respondent police.

3.The learned counsel appearing for the intervenor would submit that the defacto complainant got married on 28.06.2013 and immediately after the marriage, A1 in this case had interfered with her life and had disturbing her psychological and he is interested in her and admittedly, he sought the defacto complainant to divorce the first marriage and came out of the matrimonial home. Thereafter, he gave a false promise to marry her. On 01.11.2018 the first accused arranged the marriage with the defacto complainant at Alagarkovil, Madurai for which he bring the defacto complainant using Car, but the first accused deserted the defacto complainant after had physical relationship with her. Thereafter, the defacto complainant approached the accused Nos.2 & 3 and they demanded exorbitant money.

4.At this juncture, the learned counsel for the petitioner would submit that if the anticipatory bail is granted to accused No.1, he will co-operate with the investigation and he will also co-operate for all the medical test, which is needed there of.

5. The learned Government Advocate (CrI.side) would submit that the investigation is going on.

6. Taking into consideration the facts of the case and also considering the fact that the defacto complainant is the well educated person and she is aged about 25 years and she is working as Teacher in a private School and she is aware of what is happening



and the allegation against the A2 & A3 is that they have demanded dowry for performing marriage and the A1 undertakes that he will co-operate with the medical investigation, this Court is inclined to grant anticipatory bail to the petitioners.

7. Accordingly, 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.I, 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 said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days, this Order shall stand automatically cancelled.

[b] the petitioner in CrI.O.P(MD)No.20815 of 2018 shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter as and when required for interrogation and the petitioners in CrI.O.P(MD)No.21604 of 2018 shall report before the respondent police as and 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].

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

sd/-
25/01/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE NO I,
RAMANATHAPURAM.

2. THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, RAMANATHAPURAM DISTRICT.

4. THE INSPEPCTOR OF POLICE,
ALL WOMEN POLICE STATION, RAMANATHAPURAM.

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

+1. CC to Mr.N.S.PONNAIAH Advocate SR.No.42953
+1. CC to Mr.T.VEERAKUMAR Advocate SR.No.1412
+1. CC to Mr.A.UTHAYAKUMAR Advocate SR.No.1383

ORDER

IN

CRL OP (MD) Nos.20815 and
21604 of 2018

Date :25/01/2019

TK/VR/SAR-4/31.01.2019/4P/9C