



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/01/2020

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PRESENT

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

CRL OP (MD) . No.990 of 2020

Mohamed Yusuf Ali, ... Petitioner/Sole Accused

Vs

State Rep by Inspector of Police
The Inspector of Police,
All Women Police Station,
Ramanathapuram, Ramanathapuram District,
Crime No.01 of 2020.

... Respondent/Complainant

For Petitioner : M/s.D.Balamurugapandi,
Advocate.

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

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

PRAYER :-

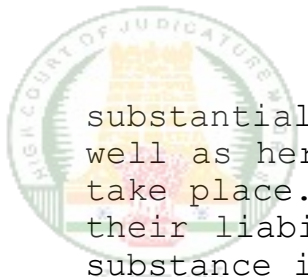
For Anticipatory bail in Crime No.1 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Crl. Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under section 67 of Information Technology Act, 2000 and Section 506(ii) of IPC and Section 4 of Tamilnadu Women Harassment Act, 1998, in Crime No.01 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The learned counsel appearing for the petitioner states that the petitioner was engaged to marry the defacto complainant in the year 2018. The marriage was to be conducted on 24.12.2019. During the interim period, the petitioner claims to have transferred a



substantial sum of money in favour of the defacto complainant as well as her mother. Due to certain reasons, the marriage could not take place. The petitioner wanted his money back. In order to avoid their liability, the case on hand has been falsely given. This in substance is the petitioner's contention.

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4. At this stage, this Court is not in a position to go into the veracity of the petitioner's allegation. If the petitioner has any claim against the defacto complainant or her family, the petitioner will have to necessarily invoke due process of law.

5. The petitioner's counsel, on instructions, gives an undertaking that the petitioner will not embarrass the defacto complainant or her family in any manner. It appears that photo album pertaining to the petitioner's betrothal function is with him. The original album will be handed over by the petitioner to the respondent police. The petitioner gives a further undertaking that the petitioner will totally keep off from the defacto complainant or her family and he will not embarrass them in any manner. If the petitioner wants to enforce this claim against them, he will only take recourse to due process of law. To this effect, the petitioner will also file an affidavit before the jurisdictional Magistrate.

4. Recording the petitioner's undertaking, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Ramanthapuram, Ramanathapuram District, and on his executing 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 learned Magistrate concerned and on further condition that the petitioner shall appear before the respondent police as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

5. The petitioner 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/-
23/01/2020

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/ /2020
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.
3. The Inspector of Police,
All Women Police Station,
Ramanathapuram, Ramanathapuram District,
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.D.BALAMURUGAPANDI, Advocate (SR-1347[I] dated 24/01/2020)

ORDER IN
CRL OP (MD) No.990 of 2020
Date : 23/01/2020

TR/SKN/S-III (31.01.2020) 3P 6C