



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 14/10/2020

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PRESENT

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

CRL OP(MD). No.11098 of 2020

1. Marudhakkanmani
2. Aswin Dhandapani
3. Alagesan

... Petitioners/Accused Nos.1to3

Vs

The State rep. by
The Inspector of Police,
Medical College Police Station,
Thanjavur District.
Cr No.857/2020.

... Respondent/Complainant

For Petitioners: M/s.J.Sathiaraj,
Advocate.

For Respondent : Mrs.M.AnandhaDevi,
Government Advocate (Criminal Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No.857 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as Accused Nos.A1 to A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 406, 379 and 109 of IPC, in Crime No.857 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the 1st accused fell in love with the 2nd accused. Duo to which, she eloped with the 2nd accused on 09.04.2019 with 50 sovereigns of jewels and also along with Rs.5,00,000/- cash. Hence, the complaint.

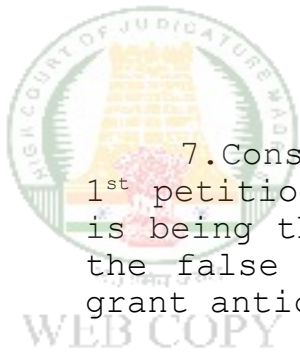
3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate (Criminal Side) appearing for the



4.The learned counsel appearing for the petitioners would submit that the 1st accused and the 2nd accused fell in love with each other and the same was objected by the defacto complainant viz., the father of the 1st accused. Hence, he detained the 1st accused in illegal custody. Hence, the 1st accused sent a message to the Inspector of police, Thanjavur South Police Station in this regard. With regard to the same, the petitioner's father was called for enquiry. After conducting enquiry against the father of the 1st accused, he compelled the 1st accused to withdraw the said compliant and accordingly, the 1st accused sent a letter to the Inspector of police, Thanjavur South Police Station in that regard. Even then, the father of the 1st accused objected her love affair with the 2nd accused and engaged with other person to get marry. Therefore, the 1st accused went to the house of the 2nd accused and they also got married. Even then, the father of the 1st accused kept on stopping the love of the 1st and 2nd accused and as such, at the instigation of the 3rd accused, they went to Bangalore and settled there without disclosing the address to the defacto complainant. He further submitted that the 1st accused never had taken any jewels and cash from the defacto complainant. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Government Advocate (Criminal Side) appearing for the respondent police would submit that on the complaint lodged by the 1st accused, enquiry was conducted and subsequently it was closed. Again the defacto complainant approached the concerned Court and a direction was issued by the learned Judicial Magistrate and thereafter, the First Information Report has been registered. The occurrence took place on 09.04.2019. It is alleged that the 1st accused eloped with the 2nd accused with 50 sovereigns of gold jewels and Rs.5,00,000/- cash.

6.It is seen that there are totally 3 accused. The complainant is none other than the father of the 1st accused. According to him, the 1st accused eloped with 2nd accused with cash of Rs.5,00,000/- and also 50 sovereigns of gold jewels. In this regard, this Court directed the 1st accused to be present before this Court and accordingly, she appeared today through virtual Court and stated that she fell in love with the 2nd accused herein. The same was objected by her father and he illegally detained her in their house. Hence, she sent a message to the Inspector of Police, Thanjavur South Police Station. On receipt of the same, her father was called for enquiry. After conducting enquiry against her father, he compelled her to withdraw the said compliant and accordingly, she sent a letter to the Inspector of police, Thanjavur South Police Station and even then her father threatened her and also compelled her to marry another person. Further, he also got engaged with another person. Therefore, she went to the house of the 2nd accused and got married and now they are living happily at Bangalore.



7.Considering the above submission of the 1st accused/ 1st petitioner and also the attitude of the defacto complainant, who is being the father of the 1st accused, he lodged the complaint with the false allegation as against the petitioners, I am inclined to grant anticipatory bail to the petitioners with certain conditions.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court No.II, Thanjavur, 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 to 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 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 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]; and;

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

sd/-
14/10/2020

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/ /2020
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE NO.II,
THANJAVUR.
2. -DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
3. THE INSPECTOR OF POLICE,
MEDICAL COLLEGE POLICE STATION,
THANJAVUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11098 of 2020
Date :14/10/2020

DSS
SRS/ AKM/SAR-III/ 28.10.2020/ 4P/5C