



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/12/2020

PRESENT

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

CRL OP(MD) . No.15430 of 2020

1. R.Vijay
2. G.Rajendra Prasad
3. Velammal
(Shown as Jeeva in Fir)
4. Illarajothi,
(Shown as Jothi in Fir)
5. Kumutha ... Petitioners/Accused 1 to 5

Vs

The State of Tamil Nadu
Rep. by The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli City,
Crime No.27 of 2020.. ... Respondent/Complainant

For Petitioners : M/s.Kannan.M,
Advocate.
For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For an Anticipatory Bail in Crime No. 27 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 417, 420 and 506(i) of IPC and Section 4 of D.P.Act seek anticipatory bail.



2. The case of the prosecution is that the marriage was arranged between the first accused and the defacto complainant and to be performed on 13.05.2020. Thereafter due to covid-19 marriage could not be performed and also further alleged that there was huge demand of dowry by all the accused persons. The first accused on the pretext of marriage had physical relationship with the defacto complainant during the month of December 2020 and thereafter refused to marry her and got married with another women and also threatened her with dire consequences. Hence the complaint.

3. The learned counsel for the petitioners would submit that there are totally five accused in this case and the petitioners herein are arrayed as A1 to A5. The defacto complainant suppressed the fact that she got married to one Christopher Regan and obtained divorce by decree dated 17.03.2020 and their marriage was solemnized on 17.09.2014. Even then she registered her name in the matrimonial website as Spinster. Without knowing the said fact the petitioners agreed for marriage between the first accused and the defacto complainant. Thereafter they came to under stand that the defacto complainant was already a married women and also having relationship with others. Thereafter there was a proposal for marriage and arranged marriage with the other girl. After coming to understand about the marriage of the first petitioner lodged the present complaint and stopped the marriage. Hence he prayed for bail to the petitioners.

4. The learned Government Advocate(Crl.Side) would submit that the marriage was arranged between the first accused and the defacto complainant to be held on 13.05.2020 and thereafter due to covid-19 and demand of huge dowry marriage could not be performed. Even then the first accused on the pretext of marriage had physical relationship with the defacto complainant on various occasions and thereafter refused to marry the victim. Hence he opposed to grant bail to the petitioners.

5. It is seen that there are totally five accused in this case and the petitioner herein is arrayed as A1 to A5. The accused 2 to 5 are the parents and in-laws of the first accused. Marriage was fixed between the first accused and the defacto complainant on 13.05.2020 and due to covid-19 and demand of huge dowry marriage was stopped. Even then the first accused on the induced the defacto complainant and on the pretext of marriage had physical relationship with her and thereafter refused to marry her and also arranged marriage with another girl. Therefore the first accused has committed very serious offence as against women, hence this Court is not inclined to grant anticipatory bail to the first petitioner. Insofar as other petitioners are concerned they being the family members of the first accused custodial interrogation of the petitioners 2 to 5 is not required, hence this Court is inclined to grant anticipatory bail to the petitioners 2 to 5 alone with certain conditions.



6. Accordingly, the petitioners 2 to 5 are ordered to be released on bail in the event of arrest or 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, Tirunelveli on condition that the petitioners 2 to 5 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 2 to 5 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 2 to 5 shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

(c) the petitioners 2 to 5 shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioners 2 to 5 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 2 to 5 in accordance with law as if the conditions have been imposed and the petitioners 2 to 5 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.

7. As regards the first petitioner, this petition stands dismissed.

sd/-
22/12/2020

/ TRUE COPY /

/ /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.I, TIRUNELVELI.

2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI,
TIRUNELVELI CITY.

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

+1 CC to M/s.M.KANNAN, Advocate (SR-8463[I] dated 22/12/2020)

ORDER

IN

CRL OP(MD) No.15430 of 2020

Date :22/12/2020

AAV

TE/JM/SAR-III : 29/12/2020 : 4P/6C