



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/09/2021

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9278 of 2021

1. P.Sarathkumar
2. P.Anitha
3. Paulraj
4. Soranapriya
5. Gowtham

... Petitioners/Accused

Vs

1. State rep.by
The Inspector of Police,
Ambasamudram All Women
Police Station,
Tirunelveli District.
(Crime No.01/2021)

2. Sathiyavathi

... Respondent/De-facto
Complainant

For Petitioners : M/s.Sundara Pandian S.S., Advocate.

For Respondent : M/s.P.Kottai Chamy,
Government Advocate (Crl.Side)

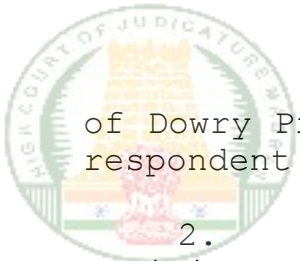
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-

For Anticipatory Bail in Crime No.1 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent Police, for the offence punishable under Sections 294 (b), 354(a), 417, 420, 509 and 506(i) IPC and 4 of TNPWH Act and 4



of Dowry Prohibition Act, in Crime No. 1 of 2021 on the file of the respondent Police, seek anticipatory bail.

2. The allegations against the petitioners is that the petitioners 2 to 5 arranged a marriage for the first petitioner with the defacto complainant and a betrothal function was also celebrated, for which, the family of the defacto complainant spent a sum of Rs.5,00,000/-. After the betrothal, the first petitioner cheated the defacto complainant and did not marry her. Hence, the complaint.

3. The learned counsel for the petitioner submits that the defacto complainant has married another man since she is not willing to marry the first petitioner. When the matter was referred for mediation, the petitioners are also prepared to pay a sum of Rs.1,00,000/- to the defacto complainant. However, the mediation could not be effected, since the defacto complainant failed to appear before the Mediation.

4. The learned Government Advocate (Crl. Side) submits that this is the second anticipatory bail petition. The earlier anticipatory bail petition was dismissed by this Court on 11.06.2021, since the petition was filed at the petition enquiry stage. He further submits that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners and their willingness to pay a sum of Rs.1,00,000/- to the credit of Cr.No.1 of 2021 on the file of the respondent Police, this Court is inclined to grant anticipatory bail to the petitioners.

6. Accordingly, this Criminal Original Petition is allowed and the petitioners 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, Cheranmahadevi, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each, with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity;

(b) the petitioners shall deposit a sum of **Rs.1,00,000/- (Rupees One Lakh only)** to the credit of Crime No.1 of 2021 before the **learned Judicial Magistrate, Cheranmahadevi**, within a period of two weeks from the date of receipt of a copy of this order, without prejudice to their rights and contentions before the trial Court;



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

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

(e) the petitioners shall not abscond either during investigation or trial;

(f) 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 are 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;

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

Sd/-

20/09/2021

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/ /2021

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

OGY

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,
Cheranmahadevi.
2. Do-Through The Chief Judicial Magistrate,
Thirunelveli District.



3. The Inspector of Police,
Ambasamudram All Women Police Station,
Tirunelveli District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER
IN
CRL OP(MD) No.9278 of 2021
Date :20/09/2021

SP/JC/SAR I/30/09/2021/4P/5C