



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 23/03/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.4410 of 2022

1. K.Susai Raj
2. S.Fatima Mary,
3. S.Suba Rexi ... Petitioners/Accused 2, 3 and 4

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Thilagar Thidal, Madurai City.
(Crime No.4/2022)

... Respondent/Complainant

For Petitioner : Mr.AR.Jeya Rhuthran,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

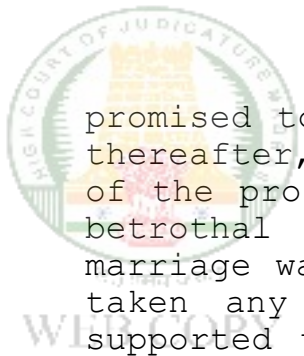
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :-For Anticipatory Bail in Crime No.4/2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused No.2, 3, 4 who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417 and 376 I.P.C., in Crime No.4 of 2022, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant got divorce from her husband and is having 14years old daughter, that the first accused also got divorce from first wife and is having 7years old daughter, that the first accused is now in Ireland pursuing his Ph.D., Course, that the first accused contacted the defacto complainant on seeing the details of the defacto complainant through matrimonial site, that thereafter in the presence of elders of both families, a betrothal was held on 02.01.2021, that though the defacto complainant had refused to have physical relationship with the first accused before marriage, the first accused had



promised to marry her and also gave a written undertaking and that thereafter, the first accused had absconded. It is the further case of the prosecution that the petitioners had also taken part in the betrothal and all other functions and that subsequently when the marriage was stopped by the first accused, the petitioners have not taken any steps for conducting the marriage and that they had supported the stand of the first accused and helped him to remain absconding.

3. Admittedly the first petitioner is the father, second petitioner is the mother and the third petitioner is the sister of the first accused. The petitioners' case is that the defacto complainant had taken several jewels and money from the first accused, that after the fixing of the marriage, she went on pressurizing the first accused that if her demand is not met out, she will commit suicide, that though the first accused sought the help of suicide prevention help line counselling centre, she did not change her mind and continued to keep threatening the accused persons and that due to the abnormal conduct of the defacto complainant, the first accused declined to marry the defacto complainant and left for Ireland.

4. It is pertinent to mention that the petitioners have specifically admitted that after fixing the marriage to be held on 14.02.2022 and after printing the invitation and issuance of the same, the first accused had left India for Ireland. The respondent police has produced the marriage invitation.

5. The learned Government Advocate (Crl.Side) appearing for the State would submit that the respondent police has sent a letter to the Passport Office, Madurai seeking the passport particulars of the first accused, so as to enable them to issue look out circular. But the Passport Office, Madurai has sent a reply dated 17.02.2022 stating that the first accused had obtained passport from the Regional Passport Office, Pune and directed the respondent police to contact the Passport Office of Pune and that thereafter, the respondent police has sent a communication to the Passport Office, Pune requesting them to furnish the passport particulars of the first accused.

6. I have perused the CD file and whereunder they have enclosed the photographs taken at the betrothal function and in the subsequent functions. Considering the above facts and circumstances and also the nature of the charges levelled against the present petitioners and that investigation is pending, this Court is not inclined to grant anticipatory bail to the petitioners at this point of time.



7. In the result, the Criminal Original Petition is dismissed.

sd/-
23/03/2022

/ TRUE COPY /

/ /2022

WEB COPY

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 INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THILAGAR THIDAL,
MADURAI CITY.

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

+1 CC to M/s.AR.JEYA RHUTHRAN, Advocate (SR-2436[I] dated
24/03/2022)

ORDER
IN
CRL OP(MD) No.4410 of 2022
Date :23/03/2022

SSL
MK/VR/SAR.III/25.03.2022/3P/4C