



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 22/11/2022

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PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19682 of 2022

1. Senthilmari

2. Gayathri

3. Rani @ Kalanjiya Rani

... Petitioners/Accused
(Rank not known)

Vs

1.The State rep.

The Inspector of Police,
Uchipuli Police Station,
Ramanathapuram District.
(Crime No.292/2022).

... Respondent/Complainant

2. Kathija

...2nd Respondent/Defacto complainant

(R2 is Suo Motu Impleaded as per
order of the Court dated 11/11/2022
in CRL OP(MD)No.19682 of 2022)

For Petitioners : M/s.Lenin Kumar T,
Advocate.

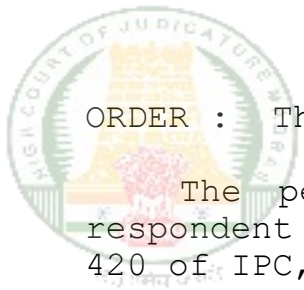
For Respondent : Mrs.M.Aasha,
No.1 Additional Public Prosecutor

For Respondent : M/S.S.Sathya Chidambaram, Advocate
No.2

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

PRAYER :-

For Anticipatory Bail in Cr No.292/2022 on the file of the
respondent police.



ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 406 and 420 of IPC, in Crime No.292 of 2022, seek anticipatory bail.

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2.The case of the prosecution is that the first petitioner is serving as Village Administrative Officer, Sembliyavarambal Village, Thanjavur District. The parents of the first petitioner and the defacto complainant agreed to solemnize the marriage between the first Petitioner and the defacto complainant. The parents of the complainant agreed to present 40 sovereigns of gold jewel to her and give a sum of Rs.2,00,000/- by way of cash to the first petitioner. After the betrothal was over, the first petitioner received a sum of Rs.1,07,000/- in lieu of dowry. Having received such amount, the first petitioner refused to marry the complainant. Hence, the complaint.

3. The learned counsel for the petitioners would submit that when the first petitioner enquired about the family background of the complainant, he came to know that their family members have criminal cases to their credit. Hence, the first petitioner refused to marry the complainant. He would further submit that the petitioners are innocents and they have not committed any offence as alleged by the prosecution. However, the petitioners is ready to return a sum of Rs.1,07,000/- to the complainant. Hence, they may be granted anticipatory bail.

4.The learned Government Advocate (Crl.Side) would submit that the after the betrothal was over, the first petitioner refused to marry the defacto complainant and cheated a sum of Rs.1,07,000/-. He would further submit that in this case, four witnesses have been examined so far and investigation is not yet completed. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. The learned counsel for the second respondent would submit that the complainant is ready to receive a sum of Rs.1,07,000/- from the Petitioners.

6.Considering the facts and circumstances of the case and considering the nature of offence and also the fact that the petitioner is ready to settle the amount, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, 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 No.II, Ramanathapuram, 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 from the 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 conditions 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 defacto complainant is directed to furnish the bank account details/address to the Petitioners within two days from the date of receipt of a copy of this order. After receiving the same, the petitioners are directed to take a Demand Draft for the said sum within a period of one week thereafter and hand over the same to the defacto complainant.

(c) The petitioners shall produce the receipt/acknowledgment before the learned Judicial Magistrate No.II, Ramanathapuram, while executing the sureties.

(d) the petitioners shall report before the respondent police as and when required for interrogation.

(e) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(f) the petitioners shall not abscond either during investigation or trial.

(g) 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

22/11/2022

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/12/2022

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

cp



TO

1. THE JUDICIAL MAGISTRATE NO.II, RAMANATHAPURAM.

2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM.

3. THE INSPECTOR OF POLICE,
UCHIPULI POLICE STATION,
RAMANATHAPURAM DISTRICT.

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

+1 CC to M/s.S.SATHYA CHIDAMBARAM, Advocate (SR-13479[I] dated
23/11/2022)

+1 CC to M/s.T.LENIN KUMAR, Advocate (SR-13486[I] dated
23/11/2022)

ORDER

IN

CRL OP(MD) No.19682 of 2022

Date :22/11/2022

RK/BUC/SAR-2 (07/12/2022) 4P/7C