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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 30/06/2023

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.10844 of 2023

Aengalesh

... Petitioner/1st Accused

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
Cr.No.16/2021.

... Respondent/Complainant

For Petitioner : Mr.M.Murugesan,
Advocate.

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

For Intervenor : Mr.C.Jeganathan, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No. 16/2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who is the first accused in Crime No.16 of 2021, which is pending on the file of the respondent police for the offences punishable under Sections 406, 420, 498A, 506(i) and Section 4 of Dowry Prohibition Act, 1961, seeks anticipatory bail.



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2.The case of the prosecution is that the petitioner, who was working as a NGO has cheated the defacto complainant and his family members by projecting himself as an Officer working in the Forest Department and got married with the defacto complainant on 20.01.2019. Thereafter, the petitioner along with his family members have demanded more dowry from the defacto complainant, abused her and they have given life threat to the defacto complainant. Hence, the complaint.

3.The Defacto complainant, who appeared in the earlier occasion has produced the photographs of this petitioner that how he projected himself as a Forest Official. Believing that they have conceded dowry demanded by this petitioner. This Court has also taken note of the statement given by this petitioner before the Sub Inspector of Police, Utamapalayam admitting the receipt of a sum of Rs.17,00,000/-from the defacto complainant's family apart from 58 sovereign gold. He also undertook to return the jewels before the respondent police on or before 28.02.2021. Thereafter, this petitioner failed to adhere his promise before the Investigating Officer and moved an application before this Court in CrI.O.P.No.15530 of 2021, wherein an undertaking was given by the petitioner that he has prepared to settle the issue with the defacto complainant family by returning a sum of Rs.17,00,000/-, which he has received from the relatives of the defacto complainant and the jewels given at the time of marriage. By promising to return the jewels and money, the petitioner got interim protection for some time and thereafter replied that



he is not in a position to return the money and the jewels.

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4.Considering the nature of allegations and the conduct of the petitioner and also for the purpose of recovery of cash and gold from the petitioner, this Court by earlier order dated 19.11.2021 dismissed the earlier application with a direction to the respondent police to take appropriate steps to recover the jewels and cash from the petitioner. Thereafter, it appears that this petitioner was arrested on 27.12.2021. The petitioner has moved an application before the Sessions Court,Theni seeking bail, without any reference to the earlier undertaking given by this petitioner. Bail was also granted by the learned Sessions Judge, Theni. At this juncture, the defacto complainant has moved an application before the concerned Sessions Court referring the earlier undertaking of this petitioner before the Investigating Officer and before this Court and the suppression of these facts before the Sessions Court in the bail application, which was considered for bail. The learned Sessions Court, by order dated 21.02.2022 cancelled the bail granted to this petitioner in Cr.MP No.287 of 2022. After the order of cancellation of bail, the petitioner has not surrendered before the concerned Court. Challenging the order of the Sessions Court, the petitioner has filed a revision before this Court in Criminal Revision Petition No.6 of 2023. This Court by order dated 12.05.2023 has dismissed the Criminal Revision Petition filled as against the order in Cr.MP No.287 of 2022 dated 21.02.2022. While dismissing the Criminal

Revision Petition, this Court has directed the petitioner to surrender before the



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concerned Court within a period of one week from 12.05.2023, failing which, the second respondent was directed to secure the petitioner. The petitioner, without complying the order in Criminal Revision Petition has approached this Court by way of this second anticipatory bail petition.

5.This Court was not inclined to entertain the second application of the petitioner for anticipatory bail. When this Court is about to dismiss the petition on 22.06.2023, the learned counsel for the petitioner sought for short accommodation to substantiate his case on maintainability. Accordingly, time was granted to the petitioner till today.

6.Today, the learned counsel for the petitioner seeks permission of this Court to withdraw this petition and he has also made an endorsement to that effect.

7.In view of the endorsement made by the learned counsel for the petitioner, this Criminal Original Petition is dismissed as withdrawn. In the event, if the petitioner is not surrendered within a period of one week, the respondent police is directed to strictly comply with the order of this Court in Criminal Revision Petition No.6 of 2023.

sd/-
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/07/2023

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



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TO

- 1 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, UTHAMAPALAYAM,
THENI DISTRICT.
- 2 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

+1 CC to M/s.C.JEGANATHAN, Advocate (SR-10155[I] dated 04/07/2023)

ORDER
IN
CRL OP(MD) No.10844 of 2023
Date :30/06/2023

SS/MMS/28/07/2023/5P/4C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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