



CRL OP(MD). No.2556 of 2024

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

Date : 27.02.2024

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

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Aengalesh

... Petitioner / Accused No.1

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Uthamapalayam,
Theni District.
(in Crime No.16 of 2021)

... Respondent / Complainant

For Petitioner : Mr.M.Murugesan, Advocate.

For Respondent : Mr.M.Vaikkam Karunanidhi,
Government Advocate (Crl. Side)

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

PRAYER :-

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

ORDER : The Court made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent



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police for the alleged offence punishable under Sections 406, 420, 498(A), 506(i) IPC and Section 4 of Dowry Prohibition Act, 1981, in Crime No.16 of 2021, has filed this petition seeking anticipatory bail.

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 learned counsel appearing for the petitioner submits that it is only a matrimonial dispute and the petitioner is willing to settle the issue. He also claims that the petitioner is an innocent person and he has not committed any offence.

4. The defacto complainant, who appeared in the earlier occasion, has produced the photographs of this petitioner that how he projected himself as a Forest Officer. 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, Uthamapalayam, admitting the receipt of a sum of Rs.17,00,000/- from the defacto complainant's family apart from 58 sovereign gold. The petitioner also undertook to return the jewels before the respondent



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police on or before 28.02.2021. Thereafter, he failed to adhere his promise before the Investigating Officer and moved an application before this Court in Crl.O.P.(MD) No.15530 of 2021, wherein, an undertaking was given by the petitioner that he is prepared to settle the issue with the defacto complainant's family by returning a sum of Rs.17,00,000/-, which he has received from them 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.

5. Considering the nature of allegations and the conduct of the petitioner and also considering that the jewels and money were not recovered from the petitioner, this Court, by order dated 19.11.2021, dismissed the first anticipatory bail application with a direction to the respondent Police to take appropriate steps to recover the jewels and money from the petitioner.

6. 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 for cancellation of bail, before the concerned Sessions Court, referring the earlier undertaking of this petitioner before the



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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.M.P.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 petition before this Court in CrI.R.C.(MD)No.6 of 2023. This Court, by order dated 12.05.2023, has dismissed the Criminal Revision Petition filed as against the order in Cr.M.P.No.287 of 2022 dated 21.02.2022. While dismissing the Criminal Revision Petition, this Court has directed the petitioner to surrender before the concerned Court within a period of one week from 12.05.2023 and also directed the respondent Police to secure the accused in case of non-compliance of order. The petitioner, without complying the order passed in CrI.R.C.(MD)No.6 of 2023, has moved second anticipatory bail petition in CrI.O.P. (MD)No.10844 of 2023.

7. In the second anticipatory bail petition, the petitioner has not disclosed about the order of cancellation of bail by the Sessions Court in CrI.M.P.No.287 of 2022 dated 21.02.2022 and the order of this Court in CrI.R.C.(MD)No.6 of 2023 dated 12.05.2023. Considering the conduct of the petitioner, this Court was not inclined to entertain the second anticipatory bail petition and when this Court was about to



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dismiss the petition, at that time, the learned counsel for the petitioner sought permission of this Court to withdraw the petition and also made an endorsement to that effect. In view of the endorsement made, the second anticipatory bail was dismissed as withdrawn by order dated 30.06.2023. This Court, while dismissing the petition, directed the respondent Police to strictly comply with the order passed by this Court in CrI.R.C.(MD)No.6 of 2023. Even thereafter, the respondent Police has not taken any steps to secure the petitioner. Therefore, the petitioner has filed this anticipatory bail petition as third time.

8. Considering the conduct of the petitioner as stated above and on the ground of suppression of material facts about the order of cancellation of bail by the Sessions Court and the order of this Court in CrI.R.C.(MD)No.6 of 2023, this Court is not inclined to entertain this Criminal Original Petition.

9. In CrI.R.C.(MD)No.6 of 2023, there was a direction to the respondent Police to secure the petitioner, in the event, if the petitioner has not surrendered before the Court, within a period of one week. In the second anticipatory bail petition filed in CrI.O.P.(MD)No.10844 of 2023, there was a further direction to the respondent Police to comply with the order of this Court passed in CrI.R.C.(MD)No.6 of 2023. Even thereafter, the petitioner has not surrendered before the Court and the respondent Police has not taken any steps to secure the petitioner.



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10. Therefore, this Criminal Original Petition is dismissed with a direction to the respondent Police to secure the petitioner within a period of one month.

sd/-
27/02/2024

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/03/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

OGY

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.

ORDER
IN
CRL OP(MD) No.2556 of 2024
Date :27/02/2024

ED/ VR /SAR- (04/03/2024) 6P / 3C

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