



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

Friday, the Ninth day of January Two Thousand Fifteen

PRESENT

The Hon`ble Mr Justice P.N.PRAKASH

CRL OP(MD) No.13461 of 2014

1 SIVABALAN
2 PALANIVEL, S/O.VEERAPPAN
3 KALA
4 PALANIVEL
S/O. MEIYAPPAN SERVAI
5 SUNDARAJ

... PETITIONERS / ACCUSED NOS.1 TO 5

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PATTUKKOTTAI,
THANJAVUR DISTRICT.
CR. NO. 14 OF 2014.

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.B.JAMEEL ARASU Advocate

For Respondent : MR.A.P.BALASUBRAMANIAN, Govt. Advocate (Crl. Side)

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

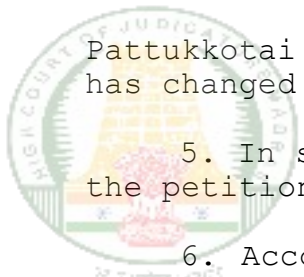
ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police in Crime No.14 of 2014, on the file of the respondent police for offences under Sections 417, 352, 294(b) and 506(i)IPC, the petitioners are now before this Court seeking Anticipatory Bail.

2. It is the case of the defacto complainant that the first petitioner was having an affair with her and had forcible intercourse with her on the promise of marriage and thereafter, he reneged.

3. It is seen that the defacto complainant had gone to Pudukottai and had lodged a complaint on 01.07.2014 in which she had stated that the first petitioner had committed forcible rape on her on 20.04.2014 at 3.00 p.m. in her house. Based on the complaint given by the defacto complainant, the police conducted investigation and during the course of investigation, the Pudukkottai police came to the conclusion that the defacto complainant has given an exaggerated complaint against the petitioners and closed the complaint, but also stated that the entire offence had taken place in Pattukkottai. Thereafter, the defacto complainant had gone to Pattukkottai Police and lodged a complaint stating that the first petitioner had consensual sex with her, an the promise of marriage.

<https://hcservices.courts.gov.in/hcservices/> It is further seen that the age of the defacto complainant is 22 years and she is not a small girl. The defacto complainant has lodged a complaint before the Pudukottai Police on 01.07.2014 and before the



Pattukkottai Police on 11.07.2014 that is within a period of ten days, she has changed her version from one of forcible sex to consensual sex.

5. In such circumstances, I am inclined to grant anticipatory bail to the petitioners, but with conditions.

6. Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance before the learned Judicial Magistrate, Pattukkottai, Thanjavur District on executing a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that,

(a) The first petitioner shall report before the respondent police twice a day daily at 10.30 a.m. and 6.30p.m. for a period of four weeks and thereafter as and when required for interrogation. The petitioners 2 to 5 shall report before the respondent police as and when required for interrogation.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] 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].

sd/-
09/01/2015

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE,
PATTUKKOTTAI, THANJAVUR DISTRICT.

2.DO THRO THE CHIEF JUDICIAL MAGISTARATE, THANJAVUR AT KUMBAKONAM

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

4.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PATTUKKOTTAI,
THANJAVUR DISTRICT.

+1. CC to M/S.B.JAMEEL ARASU Advocate SR.No.1346

ORDER
IN
CRL OP(MD) No.13461 of 2014
Date :09/01/2015