



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

Tuesday, the Twentieth day of March Two Thousand Eighteen

WEB COPY

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.3901 of 2018

1 KOSANGU
2 PANCHAVARNAM
3 SENTHAMILSELVI

... PETITIONERS/ACCUSED A2 to A4

Vs

STATE REPRESENTED BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THIRUVAIYARU,
THIRUVAIYARU TALUK,
THANJAVUR DISTRICT.
IN CRIME NO.2/2018

... RESPONDENT/COMPLAINANT

For PetitionerS : M/S.T.INDRACHITHU Advocate

For Respondent : M/S.A.ROBINSON, Government Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioners, who are arrayed as accused Nos. 2 to 4, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 417, 493, 506(ii), 294(b) and 109 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.2 of 2018, seeks anticipatory bail.

2.The case of the prosecution is that due to previous motive, the petitioners are said to have abused the defacto complainant in filthy language and also threatened her with dire consequences. Thus, on complaint, a case has been registered against the petitioner.

3.The learned counsel appearing for the petitioners would submit that the petitioners are an innocent persons and they have not committed any offence as alleged by the prosecution and their names have been falsely implicated in this case.

<https://hcservices.ecourts.gov.in/hcservices/>

4.The learned Government Advocate (Criminal Side) would submit that investigation of the case is pending.



5. The submissions made by the learned counsel appearing on either side are considered.

6. Admittedly, the first accused in this case is the son of first and second petitioner herein. It is alleged, during the time of occurrence, the son of petitioners 1 and 2 viz., first accused made false promise to the defacto complainant and committed the offence of sexual intercourse, after getting consent from her, due to which, the defacto complainant became pregnant. As of now, the first accused was secured and the process of DNA test also completed. As per the averments made in the First Information Report, it would appear the petitioners abused the defacto complainant before lodging a complaint. Considering the role played by the petitioners in the alleged offence, this Court came to the conclusion that the custodial interrogation of the petitioners may not be necessary for completing the investigation. Hence, this Court is inclined to grant anticipatory bail with some stringent conditions to the petitioners.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruvaiyar, Thanjavur District, on condition that each of the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties each for a like 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 condition that:

- (i) the petitioners shall appear before the respondent Police daily at 10.00 a.m. until further orders.
- (ii) the petitioners shall not tamper with evidence or witness either during investigation or trial.
- (iii) the petitioners shall not abscond either during investigation or trial.
- (iv) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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/-

20/03/2018

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TO

- 1 THE JUDICIAL MAGISTRATE,
THIRUVAIYAR, THANJAVUR DISTRICT.
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUVAIYARU,
THIRUVAIYARU TALUK, THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to M/S.T.INDRACHITHU Advocate SR.No.4439

ORDER
IN
CRL OP(MD) No.3901 of 2018
Date :20/03/2018

PK/CM-VR/SAR-1/02.04.2018 : 3P/6C