



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

Monday, the Nineteenth day of March Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.4255 of 2018

1 MOOKKAMMAL
2 BANUMATHI

... PETITIONERS / ACCUSED NO.3 & 4

Vs

THE STATE REP.BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PUDUKKOTTAI,
TUTICORIN DISTRICT.
IN CR.NO. 3/2018

... RESPONDENT / COMPLAINANT

For Petitioners : M/S.R.RAMACHANDRAN Advocate
For Respondent : MR.A.ROBINSON Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

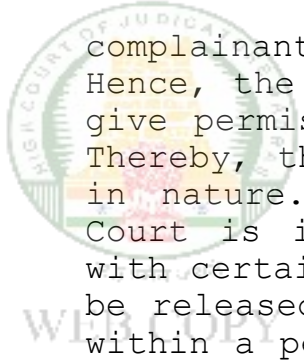
The petitioners/A3 and A4, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 417, 376 and 506(ii) of I.P.C., and Section 4 of Tamilnadu Prohibition of Women Harassment Act, 2002, in Crime No.3 of 2018, seek anticipatory bail.

2.The case of the prosecution is that the son of the first petitioner/A1 fell in love with the defacto complainant for the past four years. At that time, A1 gave false promise to marry the victim girl and had sexual intercourse with her. Thereafter, he failed to keep the promise to marry the victim girl. Hence, the case has been registered for the above said offences.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons, they are no way connected with the offence, as alleged by the prosecution and prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Criminal Side) appearing for the State submitted that the investigation is still pending.

5. The submissions made by the learned counsel appearing for either side are considered. It is alleged that during the time of occurrence, the son of the first petitioner/A1 fell in love with the defacto complainant and committed the offence of forcible penetration. Thereafter, when A1 consented to marry the defacto



complainant, the petitioners herein tried to avoid the marriage. Hence, the only role played by the petitioners is that they did not give permission to the first accused for marrying the victim girl. Thereby, the offence committed by the petitioners is not so severe in nature. Hence, considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioners, with certain conditions. 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 No.III, Tuticorin, 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 to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners shall report 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 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/-

19/03/2018

/ TRUE COPY /

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

TO

- 1 THE JUDICIAL MAGISTRATE NO.III, TUTICORIN.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, TUTICORIN DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, PUDUKKOTTAI, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.R.RAMACHANDRAN Advocate SR.No.4366

ORDER IN
CRL OP(MD) No.4255 of 2018
Date :19/03/2018