



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

Monday, the Fifth day of February Two Thousand Eighteen

PRESENT

The Hon`ble Mr.Justice R.PONGIAPPAN

CRL OP (MD) No.517 of 2018

1 A.PAULRAJ
2 P.THANGAMANI

... PETITIONERS / ACCUSED
Rank Not Known

Vs

THE STATE REPRESENTED BY ITS
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ANDIPATTI,
THENI DISTRICT
(CRIME NO.19 OF 2017)

... RESPONDENT / COMPLAINANT

PANDEESHWARI

... PETITIONER / PROPOSED RESPONDENT /
DE-FACTO COMPLAINANT

For Petitioners : MR.T.THIRUMURUGAN Advocate

For Respondent : Mr.A.ROBINSON, Govt. Advocate (Crl. Side)

For Intervenor : Mr.M.JEGADEESH PANDIAN, Advocate

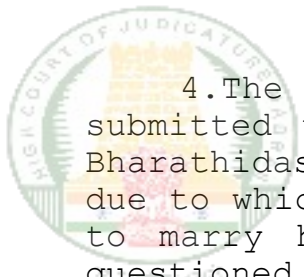
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners/A2 & A3, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 376, 294(b) and 506(i) of I.P.C., in Crime No.19 of 2017, seek anticipatory bail.

2. The case of the prosecution is that the petitioners/A2 & A3 are the father and mother of the first accused. The petitioner's son had fallen in love with the defacto complainant, namely, Pandeeshwari. Further, on the false promise to marry her, he had sexual intercourse with her, due to which a female baby was born on 11.12.2017. Thereafter, the petitioner refused to marry her, when she questioned the same, the petitioners herein threatened her with dire consequences. Hence, the case has been registered for the above said incident against the petitioners.

3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent and 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 counsel appearing on behalf of the intervenor submitted that on false promise, the son the petitioners, namely, Bharathidasan had sexual intercourse with the defacto complainant, due to which she gave birth to a female baby, thereafter, he refused to marry her and did not fulfil his promise. Further, when she questioned the same, the petitioners herein threatened her with dire consequences. Moreover, at the instigation of these petitioners, A1 denied to marry her firmly. Hence, he prays for dismissal of this anticipatory bail application.

5. The learned Government Advocate (Criminal Side) submitted that A1 was surrendered before the jurisdictional Magistrate Court on 31.01.2018. He further submitted that the investigation is in progress.

6. The submissions made by the learned counsel appearing on either side are considered. The petitioners herein are arrayed as A2 and A3. It is alleged that during the time of occurrence, A1/the son of the petitioners made illegal physical contact with the defacto complainant, as a result of which a female baby was born to the victim girl. According to the prosecution, as of now, the person, who is responsible for the guilt, who is arrayed as A1 in this case was in judicial custody. With regard to the other aspects concerned, the petitioners herein are not having any role played by the first accused. Therefore, considering the above facts and circumstances, this Court came to the conclusion that custodial interrogation of these petitioners may not be necessary for completing the investigation. Hence, 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 District Munsif cum Judicial Magistrate, Andipatti, 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]**.

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sd/-
05/02/2018

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, ANDIPATTI,
THENI DISTRICT
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ANDIPATTI,
THENI DISTRICT
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI

pjl
JAM/13/02/2018/CM/ SAR 2 / 3p-5c

ORDER
IN
CRL OP(MD) No.517 of 2018
Date :05/02/2018