



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

Friday, the First day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.2450 of 2019

LATHA @ AJI

... PETITIONER / PETITIONER/PETITIONER/
2ND ACCUSED

Vs

THE STATE REP.BY
THE SUB INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
ERANIEL, KANYAKUMARI DISTRICT.
(IN CRIME NO. 453 OF 2018)

... RESPONDENT / RESPONDENT/RESPONDENT/
COMPLAINANT

For Petitioner : MR.S.BALAMURUGAN FOR
MR.T.SUNDARAVATHANAM Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Government Advocate (CrI. Side)

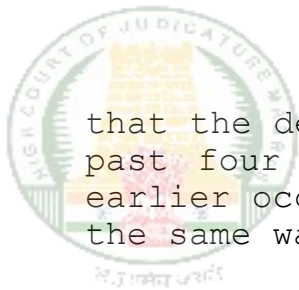
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 292(A), 376, 379, 506(i) of IPC, r/w Section 34 of IPC and r/w Section 21 of Information Technology Act, 2000 in Crime No.453 of 2018 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant is a relative of the petitioner. On an earlier occasion, the petitioner and one Ajith given cool drinks to the de-facto complainant, while she visiting the house of the petitioner. Immediately, thereafter she fainted. Taking advantage of the situation, the first accused committed rape and the same was video graphed the other accused. By showing that video, the petitioner threatened the de-facto complainant. Thereby, the de-facto complainant marriage was stopped. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He would further submit



that the de-facto complainant had love affair with one Ajith for the past four years and he did not commit any offence. In fact, an earlier occasion, the petitioner/2nd accused took away her jewels and the same was handed over to the de-facto complainant.

4. The learned Government Advocate (Crl.Side) appearing for the State would submit that A-1 was absconded and the petitioner/2nd accused is a lady and a relative of the de-facto complainant and the investigation is also pending.

5. Considering the facts and circumstances of this case and considering the fact that the allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Eraniel, Kanyakumari District, on condition that the petitioner shall execute a 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 petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation;

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

(e) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner 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]**; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/03/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE,
ERANIEL, KANYAKUMARI DISTRICT.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
KANYAKUMARI DISTRICT.

3. THE SUB INSPECTOR OF POLICE,
ERANIEL POLICE STATION,
ERANIEL, KANYAKUMARI DISTRICT.

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

+1. CC to MR.S.BALAMURUGAN Advocate SR.No.4129

ORDER

IN

CRL OP(MD) No.2450 of 2019

Date :01/03/2019

AE/JC/SAR-II/07.03.2019/3P/6C