



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

Monday, the Fourth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3257 of 2019

1.ANNALAKSHMI,
2 BALAN,

... PETITIONERS / ACCUSED NO.2 & 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM,
THENI.
(CRIME NO.1/2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR. P. KRISHNASAMY Advocate

For Respondent : MR.K.SUYAMBULINGA BHARATHI,
Govt. Advocate (Crl. Side)

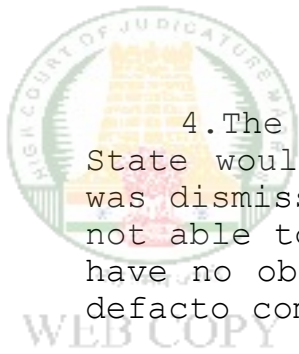
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 417, 376, 294(b) and 506(ii) of IPC, in Cr.No.1 of 2019 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that on false promise of marriage, the A1 had developed relationship with the defacto complainant and he agreed to marry the defacto complainant in Palani Temple and thereafter the defacto complainant and her family members went to Palani Temple. But, the A1 was not came there and cheated the defacto complainant. Hence, the complaint.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they did not commit any offence as alleged by the prosecution. He would further submits that the petitioners are only father of the A1 and they have no objection provided the first accused son is willing to marry the defacto complainant. Accordingly, he prayed for anticipatory bail.



4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the earlier application of the petitioners was dismissed on the ground that the petitioner's family members are not able to get instructions from the son A1. Since the petitioners have no objection to perform the marriage between their son and the defacto complainant, this Court may pass appropriate order.

5.Considering the facts and circumstances of the case and since the petitioners agreed to perform the marriage between the A1 and the defacto complainant, if the A1 is willing marry her, this Court is inclined to grant anticipatory bail to the petitioners. Accordingly, 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, Uthamapalayam, Theni District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each 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 petitioners 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 petitioners shall report before the respondent police as and when required for interrogation;

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

(d)the petitioners 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 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]**; and;

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

sd/-
04/03/2019

/ TRUE COPY /



TO

1. THE JUDICIAL MAGISTRATE,
UTHAMAPALAYAM, THENI DISTRICT.

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

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
UTHAMAPALAYAM, THENI.

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

+1. CC to MR. P. KRISHNASAMY Advocate SR.No.4335

ORDER

IN

CRL OP(MD) No.3257 of 2019

Date :04/03/2019

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