



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

Monday, the Twenty Fifth day of March Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.3309 of 2019

1.VENKATESH
2 CHANDRASEKAR
3 ANANTHI

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
LALGUDI,
TRICHY DISTRICT.
(CRIME NO.NOT KNOWN OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioners : MR.T.LENIN KUMAR Advocate

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

For Intervenor : Mr.S.DEENADHAYALAN, Advocate

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, 420, 328, 376(1), 294(b) and 506(i) I.P.C. in Cr.No.04 of 2019 on the file of the respondent police, seek anticipatory bail.

2.It is the case of the prosecution that the first petitioner and the defacto complainant loved each other, under the pretext of marriage and from the year of 2010, the defacto complainant had physical contact with the first respondent on the false hope made by the first respondent. The said factual aspect was known to the petitioners 2 and 3 also. Now, the first petitioner refused to marry the defacto complainant. The petitioners 2 and 3 are the parents of the first petitioner. Hence, this complaint.



3.The learned counsel appearing for the petitioners would submit that the petitioners did not commit any offence as alleged by the prosecution. After registration of the complaint, the second petitioner was arrested and remanded to judicial custody and the first petitioner is now present before this Court and undertakes that he will marry the defacto complainant, within a period of three months from the date of receipt of a copy of this order and the petitioner's father / second petitioner herein also consented for their marriage. However, the petitioners 1 and 2 will convince the third petitioner to perform their marriage. The first petitioner has also filed an affidavit to that effect.

4.The learned counsel appearing for the defacto complainant also conceded the request made by the learned counsel for the petitioners.

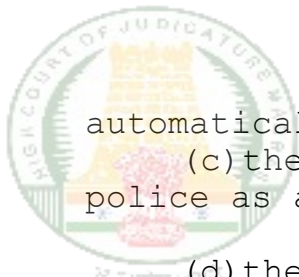
5.The learned Government Advocate (Crl.Side) appearing for the respondent State would submit that in view of the compromise entered in between the parties, this Court may pass appropriate orders.

6.Considering the facts and circumstances of the case and considering the fact that the first petitioner filed an affidavit, stating that he will marry the defacto complainant, within a period of three months from the date of receipt of a copy of this order, this Court is inclined to grant anticipatory bail to the petitioners 1 and 3. However, in respect of the second petitioner is concerned, this anticipatory bail petition is dismissed, since the second petitioner was arrested and remanded to judicial custody. However, liberty is granted to the second petitioner to file an application, seeking bail before the trial Court and the trial Court is directed to consider the same on the same day itself.

7.Accordingly, the petitioners 1 and 3 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, Lalgudi, on condition that the petitioners 1 and 3 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 1 and 3 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 first petitioner is directed to comply the affidavit within a period of three months from the date of receipt of a copy of this order. If he fails to comply the affidavit, the anticipatory bail granted by this Court shall stand vacated



automatically;

(c) the petitioners 1 and 3 shall report before the respondent police as and when required for interrogation;

(d) the petitioners 1 and 3 shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners 1 and 3 shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners 1 and 3 in accordance with law as if the conditions have been imposed and the petitioners 1 and 3 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;

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

sd/-
25/03/2019

/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE, LALGUDI.

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

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
LALGUDI, TRICHY DISTRICT.

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

+1. CC to MR.T.LENIN KUMAR Advocate SR.No.5465

ORDER
IN
CRL OP(MD) No.3309 of 2019
Date : 25/03/2019