



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

Monday, the First day of April Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP (MD) No.4510 of 2019

RAJESH

... PETITIONER / ACCUSED RANK NOT KNOWN

Vs

THE STATE REP. BY,
THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
ALANGUDI,
PUDUKKOTTAI DISTRICT.

(CRIME NO. NOT KNOWN OF 2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR. E. BALASUBRAMANIAN Advocate

For Respondent : MR.S.CHANDRASEKAR, ADDITIONAL PUBLIC PROSECUTOR

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 offence under Sections 417, 420, 506(i) of IPC in Crime No.2 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.It is the case of the prosecution that the petitioner is arrayed as A1. The petitioner and the defacto complainant were love each other and they are also relatives. The petitioner sexually abused the defacto complainant with a false promise that he would marry her and at the time of relationship he collected a sum of Rs.2,00,000/- and 10 sovereigns of gold jewels from the defacto complainant. The petitioner neither married her nor returned the money and jewels received from the defacto complainant. Hence the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He would further submit that the parents of the petitioner arranged a marriage with another woman. The petitioner has not intention to marry the defacto complainant. He would further submit that the



petitioner is ready and willing to deposit a sum of Rs.2,00,000/- thereafter the said amount may disburse to the defacto complainant without prejudice to his rights and prayed for granting anticipatory bail.

4.The learned Additional Public Prosecutor appearing for the respondent police would submit that the petitioner is come forward to deposit a sum of Rs.2,00,000/-, this Court may consider the anticipatory bail application of the petitioner.

5.Considering the facts and circumstances of the case and since the petitioner is come forward to deposit a sum of Rs.2,00,000/- (Rupees Two Lakhs Only) without prejudice to his rights and contentions to show his *bona fide*, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangudi 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 shall deposit a sum of Rs.2,00,000/- (Two Lakhs only) to the Credit of Crime Number.2 of 2019 before the said Court, before executing bond. Upon receipt of such deposit, the learned learned Judicial Magistrate, Alangudi, shall disburse a sum of Rs.2,00,000/- directly to the defacto complainant.

(b)the petitioner and the sureties shall affix his photograph and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c)the petitioner shall report before the respondent police daily at 10.30 a.m., until further orders;

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

(e)the petitioner 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 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;



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

sd/-
01/04/2019

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

TO

- 1 THE JUDICIAL MAGISTRATE
ALANGUDI, PUDUKOTTAI DISTRICT
 - 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE
PUDUKOTTAI
 - 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION
ALANGUDI, PUDUKOTTAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR. E. BALASUBRAMANIAN Advocate SR.No.5905

ORDER
IN
CRL OP(MD) No.4510 of 2019
Date :01/04/2019

MSI/JC/SAR 2/03.04.2019/3P-6C