



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.4773 of 2019

AMARAVATHI,

... PETITIONER / ACCUSED
(RANK NOT KNOWN)

Vs

THE STATE REP.BY
THE INSPECTOR OF POLICE,
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
(CRIME NO.110/2019)

... RESPONDENT / COMPLAINANT

For Petitioner : MR.T.LENIN KUMAR 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 :-

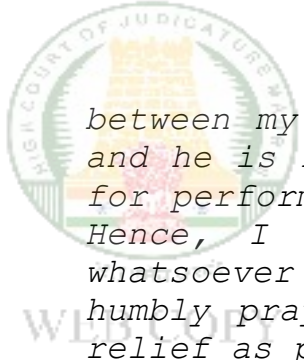
The petitioner who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 323,376 and 506(ii) of IPC in Cr.No.110 of 2019, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner's son and the defacto complainant loved each other. On false promise of marrying the defacto complainant, the petitioner's son had sexual intercourse with her and thereafter refused to marry her. Thereafter when the defacto complainant reported the same to the petitioner she abused the defacto complainant in filthy language and threatened with dire consequences. Hence the complaint

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and she is an innocent person. However, on instructions he would submit that her son is ready to marry the defacto complainant and to that extent she has filed an affidavit. The relevant para(3) is extracted here under:

<https://hcservices.ecourts.gov.in/hcservices/>

"3. I submit that I do not know about the love affair existed



between my son and the defacto complainant. Now my son is arrested and he is remanded to judicial custody. I do not have any objection for performing marriage between the defacto complainant and my son. Hence, I hereby undertake that I will not have any objection whatsoever for the marriage of my son and the defacto complainant. I humbly pray this Hon'ble Court to accept this affidavit and grant relief as prayed in the above petition."

4. The learned Government Advocate (Crl. side) appearing for the respondent police would submit that since the petitioner has come forward to perform the marriage between her son and the defacto complainant, this Court may pass appropriate orders.

5. Considering the facts and circumstances of the case and also considering the fact that the petitioner has come forward to perform the marriage between her son and the defacto complainant, 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, Melur 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 is directed to comply with the undertaking given her in para(3) of the affidavit, failing which the anticipatory bail granted shall stand vacated automatically;

(b) the petitioner and the sureties shall affix their photographs 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;

(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/-
01/04/2019

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/ TRUE COPY /

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

TO

1. THE JUDICIAL MAGISTRATE,
MELUR, MADURAI DISTRICT.
 2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
 3. THE INSPECTOR OF POLICE
KOTTAMPATTI POLICE STATION,
MADURAI DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.
- +1. CC to MR.T.LENIN KUMAR Advocate SR.No.5931

ORDER
IN
CRL OP(MD) No.4773 of 2019
Date : 01/04/2019

AE/MMS/SAR-III/03.04.2019/3P/6C