



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen

PRESENT

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The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) Nos.5808 & 5524 of 2019

1 S.BOOPATHI
2 S.RAMASAMY
3 R.UMA @ UMAMAHESHWARI
4 SUDHA

... PETITIONERS / ACCUSED
(RANK NOT KNOWN)
IN CRL OP(MD) . 5808/ 2019

S.KARTHICK

... PETITIONER/ SOLE ACCUSED
IN CRL OP(MD) . 5524/ 2019

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAMADURAI, DINDIGUL.
IN CRIME NO.NOT KNOWN OF 2019.

... RESPONDENT / COMPLAINANT
IN BOTH THE PETITIONS

BANUPRIYA

... PETITIONER/INTERVENOR
IN CRL MP(MD) No.4445 of 2019
IN CRL OP(MD) No.5524 of 2019

For Petitioner : MR.R.S.SIVARAM Advocate
IN BOTH THE PETITIONS

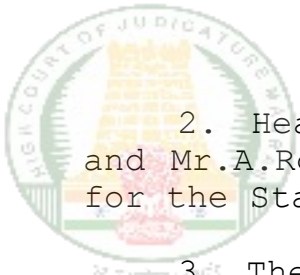
For Respondent : MR.A.ROBINSON, Government Advocate (Crl. Side)
IN BOTH THE PETITIONS

For Intervener : MR.A.ANANDA RAJ, Advocate
IN CRL MP(MD) No.4445 of 2019
IN CRL OP(MD) No.5524 of 2019

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

ORDER : The Court Made the following order :-

The petitioners/accused, who apprehends arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 294(b) and 506 (i) IPC, respectively, in Crime No.Not Known of 2019, on the file of the respondent police, seek anticipatory bail.



2. Heard Mr.R.S.Sivaram, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl.Side) appearing for the State.

3. The petitioner in Crl.O.P.(MD)No.5524 of 2019 is the first accused and the petitioners in Crl.O.P.(MD)No.5808 of 2019 are the accused Nos 2 to 5, respectively. When the petitioners apprehend arrest, they have approached this Court at the stage, where the case is not registered.

4. The learned Government Advocate (Crl.Side) on instructions would submit that FIR has been registered in Crime No.4 of 2019 on 11.04.2019 for the offence punishable under Sections 147, 294(b) and 506 (1) IPC and Sections 5(1) and 6 of POCSO Act.

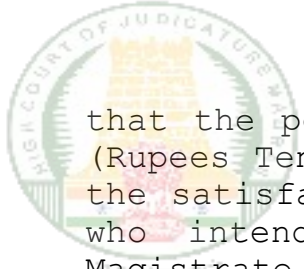
5. The learned counsel for the petitioners submitted that the marriage between Karthik and one Kalaivani was solemnized on 11.04.2019 and the defacto complainant, who intends to marry Karthik disappointed with the marriage arranged with Kalaivani, has foisted this false complaint.

6. The defacto complainant has also filed an application to object the grant of bail. The defacto complainant in this case is the uncle's daughter of the petitioner / Karthik in Crl.O.P.(MD) No.5524 of 2019. According to her, they have loved each other and Karthik had misused her by promising her to marry. But now he refused to marry her and therefore, she lodged a complaint on 11.04.2019 and the same was registered as stated above.

7. The learned counsel for the petitioner had also produced Aadhar Card of Kalaivani and stated that the date of birth of Kalaivani is 19.05.2000 and on the date of complaint the said Kalaivani was aged about more than 18 years. However, the defatco complainant suppressing the same has lodged the complaint, as if she is aged about 17 and the respondent police has also registered the case mechanically even without ascertaining the age of the victim for the offence punishable under Sections 5 and 6 of the POCSO Act also. Hence, he prays to grant anticipatory bail to this petitioner.

8. Taking into consideration the facts and circumstances of the case and also taking note of the fact that the complainant Kalaivani is aged more than 18 years and the petitioner has also got married on 11.04.2019 and the allegation as stated in the statement of the victim girl is only love affair and it has to be decided only during the investigation, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions:-

9. Accordingly, the 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, Vedachandur, on condition



that the petitioners 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(i) the petitioners as well as the sureties shall submit a copy of their Aadhar card or any other identity cards issued by the Government, in proof of their address, along with the surety bonds.

(ii) the petitioner in Crl.O.P.(MD)No.5524 of 2019 shall report before the respondent Police daily at 10.30 a.m., and the petitioners in Crl.O.P.(MD)No.5808 of 2019 shall report before the respondent Police as and when required for the purpose of interrogation.

(iii) the petitioners shall not tamper with evidence or witness either during investigation or trial.

(iv) the petitioners shall co-operate for the investigation and the trial. The petitioner shall not abscond either during investigation or trial and in event of the petitioner absconds, the respondent police shall register a case as provided under Section 229-A IPC.

(v) On breach of any of the aforesaid conditions, the anticipatory bail granted to the petitioners shall stand automatically cancelled and 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]**.

sd/-
15/05/2019

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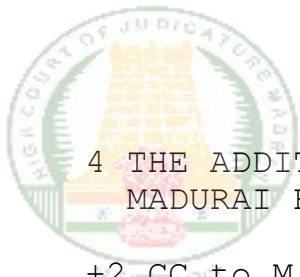
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE JUDICIAL MAGISTRATE,
VEDACHANDUR.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL.

3 THE INSPECTOR OF POLICE,
<https://hcservices.ecourts.gov.in/hcservices/>
ALL WOMEN POLICE STATION,
VADAMADURAI, DINDIGUL.



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

+2 CC to M/s.R.S.SIVARAM, Advocate SR.No.8525 & 8526

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ORDER

IN

CRL OP (MD) Nos.5808 & 5524 of 2019

Date :15/05/2019

JM/PN/SAR 2/23.05.2019/4P/7C