



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

Wednesday, the Twelfth day of June Two Thousand Nineteen

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) No.8007 of 2019

1 SEVATHAL
2 JAYARAMAN

... PETITIONER / ACCUSED NO.2 & 3

Vs

STATE REP. BY
THE INSPECTOR OF POLICE,
SIVAGANGAI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT,
CRIME NO.11/2019

... RESPONDENT / COMPLAINANT

For Petitioner : MR.V.KANNAN Advocate

For Respondent : Mrs.M.ANANTHA DEVI, Government Advocate (Crl.Side)

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

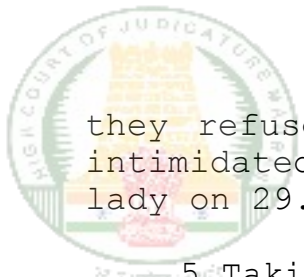
ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 417, 376 and 294(b) IPC, seek anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners are parents of Accused No.1, namely, Prakash. He further submitted that as per the prosecution case, the Accused No.1 fell in love with the de-facto complainant and he had sexual relationship with her and by giving false promise that he will marry her. Thereafter, he refused to marry her. He further submitted that the petitioners are no way connected with the aforesaid love affairs between the first accused and the de-facto complainant. He further submitted that already A-1 was arrested and remanded to judicial custody on 05.06.2019 and therefore, he prayed for granting anticipatory bail to the petitioners.

4.Per contra, the learned Government Advocate (Crl. side) has submitted that A-1 by giving a false promise, had sexual relationship with the de-facto complainant and on 02.06.2018, when the de-facto complainant went to the house of the petitioners and she made a request to make an arrangement for her marriage with A-1,



they refused to do so and also used obscene words and criminally intimidated her. She further submitted that A-1 got married another lady on 29.05.2019 and therefore, she opposed this petition.

5. Taking into consideration of the fact that even on 29.05.2019 itself A-1 got married another lady and only thereafter, on 02.06.2019, the de-facto complainant made a request with the petitioners to make an arrangement for marriage with A-1 and also the fact that already A-1 was arrested and remanded to judicial custody, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. 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 No.I, Sivagangai, 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] If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police, daily at 10.30 a.m for a period of three weeks and thereafter, as and when required before the respondent police 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 petitioner 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-
12/06/2019

/ TRUE COPY /



TO

1 THE JUDICIAL MAGISTRATE NO.I,
SIVAGANGAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI.

3 THE INSPECTOR OF POLICE,
SIVAGANGAI ALL WOMEN POLICE STATION,
SIVAGANGAI DISTRICT.

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

+1. CC to M/S.V.KANNAN Advocate SR.No. 9536

ORDER

IN

CRL OP (MD) No.8007 of 2019

Date :12/06/2019

JM/JC/SAR 3/14.06.2019/3P/6C