



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT, MADURAI

(Criminal Jurisdiction)

Date : 20/06/2019

WEB COPY

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.8631 of 2019

Manikalai @ Manikanda Iyer

... Petitioner/Accused No.4

Vs

State Rep.by

The Inspector of Police,
All Women Police Station,
Aruppukkottai,
Virudhunagar District.
in Crime No.14 of 2019.

... Respondent/Complainant

For Petitioner : M/s.N.Anandakumar,
Advocate.

For Respondent : Mr.V.Neelakandan,
Addiitonal Public Prosecutor.

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

PRAYER :-

For Anticipatory Bail in Crime No. 14 of 2019 on the file of the respondent Police.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offence punishable under Sections 417, 376, 294(b), 506(i) of IPC and Section 4 of Tamilnadu Prohibition of Harassment of Women Act, 2002, seeks anticipatory bail.

2.Heard both sides.

3.The learned counsel appearing for the petitioner has submitted that he is innocent and he has been falsely implicated in the above case. Hence, he prayed for granting anticipatory bail to the petitioner.

4.The learned Additional Public Prosecutor appearing for the respondent has submitted that totally there are four accused persons involved in this case and the petitioner herein is arrayed as A-4. He further submitted that A-1 had sexual intercourse with the de-



facto complainant by giving false promise that he will marry her and already A-1 was arrested and remanded to judicial custody and the investigation is still pending and hence, he strongly opposed this petition. However, he fairly conceded that the petitioner is only a brother of A-1.

5. Taking into consideration of the fact that as per the prosecution case, A-1 had sexual intercourse with the de-facto complainant by giving false promise that he will marry her and already A-1 was arrested and remanded to judicial custody and also considering the fact that the petitioner is only a brother of A-1, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. 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, Aruppukkottai and 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] If the petitioner fails to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

[b] the petitioner 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 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].

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

sd/-

20/06/2019

/ TRUE COPY /

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



TO

1. THE JUDICIAL MAGISTRATE, ARUPPUKKOTTAI.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
ARUPPUKKOTTAI, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.P.AKKINI THEVER, Advocate SR NO. 10134

ORDER
IN
CRL OP(MD) No.8631 of 2019
Date :20/06/2019

MS/VR/SAR-2/25.06.2019/3P.6C