



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

Wednesday, the Fifteenth day of May Two Thousand Nineteen
PRESENT

The Hon'ble Mr Justice B.PUGALENDHI

CRL OP (MD) No.7031 of 2019

1 AMUTHA

2 TAMILSELVI ... PETITIONERS / ACCUSED 2 & 3

Vs

STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ARANTHANGI,
PUDUKOTTAI DISTRICT.
(CRIME NO.4 OF 2019) ... RESPONDENT / COMPLAINANT

For Petitioners : M/S.T.LENIN KUMAR Advocate

For Respondent : Mr.A.Robinson, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners/accused, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 376 & 294(b) IPC in Crime No.4 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.Heard Mr.T.Lenin Kumar, learned Counsel for the petitioners and Mr.A.Robinson, learned Government Advocate (Crl. Side) appearing for the State.

3.The case of the prosecution is that the defacto complainant and first petitioner's son loved each other and on a false promise of marriage, the first petitioner's son had physical contact with the defacto complainant and thereafter, refused to marry her. Hence, the complaint.

4.The learned counsel appearing for the petitioners would submit that the petitioners are innocents and they did not commit any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prays to grant anticipatory bail to these petitioners.



5. The learned Government Advocate (Crl. Side) appearing for the respondent Police opposes the grant of anticipatory bail.

6. Though the case is registered for the offence under Sections 417, 376 & 294(b) IPC, the averments as against the petitioners is only under Section 294(b) and therefore, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

7. Accordingly, the petitioners 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 on which the order copy was made ready before the learned Judicial Magistrate No.III, Trichy on condition that the petitioners shall execute a separate 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 and on further conditions that:-

[a] 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.

[b] the petitioners shall report before the respondent police as and when required for the interrogation.

[c] the petitioners shall not tamper the evidence or witness either during investigation or trial.

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

[e] in the event of breach of any of the aforesaid conditions, the learned Magistrate / trial Court is entitled to take appropriate action against the petitioners, as per the principles laid down by the Hon'ble Supreme Court in P.K.Shaji vs. State of Kerala [(2005) AIR SCW 5560].

sd/-

15/05/2019

/ TRUE COPY /

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

TO

1 THE JUDICIAL MAGISTRATE NO.III,
TRICHY



3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ARANTHANGI,
PUDUKOTTAI DISTRICT.

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

+1. CC to M/S.T.LENIN KUMAR Advocate SR.No.8450

ORDER
IN
CRL OP(MD) No.7031 of 2019
Date :15/05/2019

ES/PN/SAR 2/20.05.2019/3P/6C