



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

Date : 19/07/2019

PRESENT

WEB COPY

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP (MD) . No.7756 of 2019

1.Pandian
2.Eswari
3.Jeyakumar

... Petitioners/Accused Nos.2 to 4

Vs

The State rep.by
The Sub Inspector of Police,
Gudalur North Police Station,
Theni District.
Crime No.139/2019

... Respondent/Complainant

M.Divya

... Interve Petitioner/Defacto
Complainant

For Petitioners: M/s.S.Balakarthick, Advocate.

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

For Intervenor : Mr.I.Pinayagash, Advocate.

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

PRAYER :-

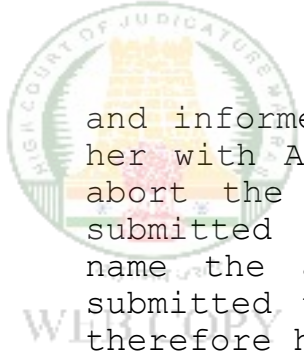
For Anticipatory Bail in Crime no.139/2019 on the file of the respondent police.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 376 and 506 (ii) of IPC, in Crime No.139 of 2019, seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners has submitted that the petitioners 1 & 2 are parents of A1 and the third petitioner is the uncle of A1. He further submitted that as per the FIR, A1 had sexual intercourse with the defacto complainant by giving false promise that he will marry her and thereafter, he refused to marry her. He further submitted that only the allegation made against the petitioners is that in the month of April of this year, the defacto complainant went to the house of the petitioners



and informed them that she is pregnant and made a request to marry her with A1 and for that the petitioners told her that she should abort the child and otherwise they will kill them. He further submitted that only for the purpose of defaming the petitioner's name the aforesaid allegation is made against them. He further submitted that the petitioners have not committed any offence and therefore he prays to anticipatory bail to the petitioners.

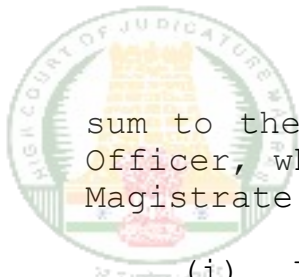
4. Per contra, the learned counsel for the Intervenor/defacto complainant has submitted that A1 had sexual intercourse with the defacto complainant by giving false promise and thereafter, he refused to marry her and further the defacto complainant become pregnant and on knowing the same, the defacto complainant approached the petitioners and informed them about the aforesaid act of the A1, and requested them to marry her with A1 and for that, the accused and the petitioners told her to abort the child or otherwise they will kill them, and the custodial interrogation of the petitioners are absolutely necessary and therefore, he opposed this petition.

5. The learned Government Advocate (Criminal side) also adapted the arguments advanced by the learned counsel for the Intervenor/defacto complainant. She also prayed to dismiss the petition as the custodial interrogation of the petitioner is absolutely necessary.

6. In the FIR it is stated that the defacto complainant and the accused No.1 fell in love and the accused No.1 by giving false promise that he will marry her, had sexual intercourse on several occasions and the defacto complainant became pregnant and when the same was informed to the petitioners, they told the defacto complainant to abort the child or otherwise they will kill them. The main allegations are against A1 only. Insofar as the petitioner are concerned that the allegation against them is that in the Month of April 2019, the defacto complainant approached the petitioners and informed them about the act committed by A1 and she is pregnant and for that, the petitioners told her to abort the child or otherwise they will kill them. Though, it is stated that the said occurrence took place in the month of April 2019, thereafter, it is not stated that the petitioners have made any attempt to kill the defacto complainant.

6. Taking into consideration all the aforesaid facts, this Court is of the view that the custodial interrogation of the petitioners is not necessary and therefore, this Court is inclined to grant anticipatory bail to the petitioners.

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

(i) If the petitioners fail to surrender before the concerned Magistrate within a period of 15 days, this order shall stand automatically cancelled.

(ii) 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.

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

(iv) the petitioners shall not abscond either during investigation or trial.

(v) On breach of any of the aforesaid conditions, 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].

(vi) If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
19/07/2019

/ TRUE COPY /

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

TO

- 1.THE JUDICIAL MAGISTRATE,UTHAMAPALAYAM.
- 2.THE CHIEF JUDICIAL MAGISTRATE, THENI DISTRICT.
- 3.THE SUB INSPECTOR OF POLICE,
GUDALUR NORTH POLICE STATION, THENI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

- +1. CC to Mr.S.BALAKARTHICK Advocate SR.No.12001
+1. CC to Mr.I.PINAYAGASH Advocate SR.No.11995

ORDER IN
CRL OP(MD) No.7756 of 2019
Date :19/07/2019

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