

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 12/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.9736 of 2019

1. Nagaraj
2. Janaki

.... Petitioners/Accused No.2 & 3

Vs

State rep. by
The Inspector of Police,
Peraiyur Police Station ,
Peraiyur, Madurai District
Crime No. 134 of 2019.

.... Respondent/Complainant

For Petitioners : M/s.P.Thirumahil Maran,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 134 of 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
417,376,294(b) and 506(i) of IPC seek anticipatory bail.

2. Heard both sides.

3.The learned counsel appearing for the petitioners are
<https://hcservices.ecourts.gov.in/hcservices/>
innocent and they have been falsely implicated in the above case.
He further submitted that the petitioners herein are the parents of

A1 and they have been falsely implicated in the above case. Hence, he prayed to grant anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.Side) appearing for the respondent has submitted that the first accused gave false promise that he will marry the defacto complainant and had sexual intercourse with her. The allegation against the petitioners herein is that when the defacto complainant made a request to the petitioners herein to arrange marriage they refused to marry and rejected the said request and also criminally intimidated her. Hence he opposed to grant anticipatory bail to the petitioners.

5. The main allegations are only against A1 and insofar as the petitioners herein are concerned, the allegation against them is that when the defacto complainant approached them and made a request to marry her with A1, they rejected the said request and criminally intimidated her. Taking into consideration the aforesaid facts, 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 his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned District Munsif cum Judicial Magistrate, Peraiyur, Madurai District 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:

[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 for the 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 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].

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

sd/-
12/07/2019

/ TRUE COPY /

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

TO

- 1 THE DISTRICT MUNSIFF CUM JUDICIAL MAGISTRATE, PERAIYUR,
MADURAI DISTRICT
 - 2 DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.
 - 3 THE INSPECTOR OF POLICE, PERAIYUR POLICE STATION , PERAIYUR,
MADURAI DISTRICT
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +1. CC to M/S.P.THIRUMAHIL MARAN, Advocate SR.No.11667

ORDER
IN
CRL OP(MD) No.9736 of 2019
Date :12/07/2019

AAV
JMN/JC/SAR-2/24.07.2019/3P-6C

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