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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 19/07/2019

PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD). No.10156 of 2019

1. Anthonysamy
2. Sahayarani

... Petitioners/Accused Nos.2 & 3

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Dindigul.
Crime No.8 of 2019

... Respondent/Complainant

For Petitioners: M/s.D.Venkatesh,
Advocate.

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

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

PRAYER :-

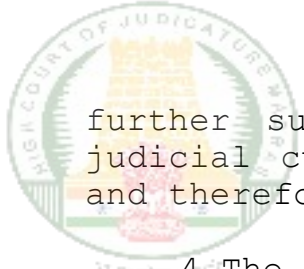
For Anticipatory Bail in Crime No. 8 of 2019 on the file of the Respondent Police.

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, 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 petitioner has 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. Subsequently, the defacto complainant approached the accused Nos.2 & 3 and insisted them to arrange for marriage with A1. But, A1 and other accused persons threatened the defacto complainant with dire consequences. He



further submitted that A1 was already arrested and remanded to judicial custody and the petitioner has not committed any offence and therefore he prays to anticipatory bail to the petitioner.

4. The learned Government Advocate (Criminal side) has submitted that A1 had sexual intercourse with the defacto complainant by giving false promise that he will marry her and thereafter, he refused to marry her. Further, A1 and other accused persons threatened the defacto complainant with dire consequences and criminally intimidated her. Hence, she opposed this petition.

5. The main allegation is made against A1. As per the FIR, A1 had sexual intercourse with the defacto complainant by giving false promise and subsequently, he refused to marry her. Insofar as the petitioners herein concerned, they are parents of A1. The allegation made against the petitioners is that they criminally intimidated the defacto complainant. Except the said allegation, no other allegation is made against them. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

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 The Judicial Magistrate, No.II, Dindigul on condition that the petitioners 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 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/-

29/07/2019

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

TO

1. THE JUDICIAL MAGISTRATE NO.II, DINDIGUL.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
DINDIGUL DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, DINDIGUL.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.D.VENKATESH Advocate SR.No.12058

ORDER

IN

CRL OP(MD) No.10156 of 2019

Date :29/07/2019

MS/VR/SAR-2/01.08.2019/3P.6C