



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/08/2019

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PRESENT

The Hon`ble Mr.Justice P.RAJAMANICKAM

CRL OP(MD) . No.10427 of 2019

1. George Joseph
2. Josephin Mary ... Petitioners/Accused No.2 & 3

Vs

State rep. by
The Inspector of Police,
Kumbakonam All Women Police Station,
Thanjavur District. ... Respondent/Complainant

S.Sharmila Bharvin ... Intervenor/Defacto Complainant

For Petitioner : M/s.P.R.Prithiviraj,
Advocate.

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

For Intervenor : M/s.K.S.Durai Pandian, Advocate

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

PRAYER :-

For anticipatory bail in Cr.No.9/2019 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 417,506
(i) and 506(ii)of IPC @ 417,506(i) and 376 of IPC seek anticipatory
bail.

2. Heard both sides.

<https://hcservices.ecourts.gov.in/hcservices/>



3. The learned counsel for the petitioners are the parents of A1 and they are no way connected with the said offence. He would further submit that A1 in this case was granted bail by this Court. Therefore he prayed to grant bail to the petitioner.

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4. The learned counsel for the intervenor would submit that first accused and the defacto complainant loved each other and the first accused herein gave false promise that he will marry the defacto complainant and had physical contact with her and thereafter refused to marry the defacto complainant, for which the petitioners are also responsible. Hence he opposed to grant anticipatory bail to the petitioners.

5. The learned Additional Public Prosecutor adopted the arguments advanced by the learned counsel for the defacto complainant/intervenor.

6. Taking into consideration the fact that there is no specific allegation levelled against the petitioners herein and also the fact that the petitioners herein are parents of A1 and also the fact that A1 in this case was granted bail by this Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

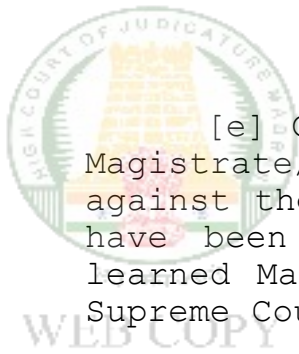
[6] Accordingly, the petitioners are ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kumbakonam on condition that the petitioners shall execute a bond 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/-
01/08/2019

/ TRUE COPY /

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

TO

- 1 JUDICIAL MAGISTRATE NO.I, KUMBAKONAM
 - 2 DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THANJORE DISTRICT AT KUMBAKONAM
 - 3 THE INSPECTOR OF POLICE
KUMBAKONAM ALL WOMEN POLICE STATION,
THANJAVUR DISTRICT.
 - 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,MADURAI.
- +1. CC to M/S.P.R.PRITHIVIRAJ Advocate SR.No.12771

ORDER
IN
CRL OP(MD) No.10427 of 2019
Date :01/08/2019

AAV
JMN/PN/SAR-1/07.08.2019/3P-6C