



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

Date : 19/12/2019

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

CRL OP(MD). No.19132 of 2019

1.S.Paramasivam
2.P.Nagadevi

... Petitioners/Accused
Rank A1 and A2

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Ambasamudram,
Tirunelveli District.
Crime No.13/2019

... Respondent/Complainant

For Petitioners : M/s.K.Neethimohan,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 13/2019 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioners and
the learned Government Advocate(Crl. Side) appearing for the
respondent.

2. The petitioners apprehending arrest at the hands of the
respondent police for the offences punishable under sections 294(b),
376 and 506(i) of I.P.C., in Crime No. 13 of 2019 on the file of the
respondent police, seek anticipatory bail.

3. The case of the defacto complainant is that when she was a
minor, she was in love with the first petitioner herein. The first
petitioner herein is said to have had sexual relationship with her.
Therefore, a case in Crime No.16 of 2017 was registered under
Section 417 of IPC and under Section 6 of POCSO Act. Thereafter,



the first petitioner is said to have married the second petitioner herein. The defacto complainant had alleged that some six months back, the first petitioner met with her once again privately and assured her that he would take her as his second wife and had sexual relationship with her and made her pregnant. That led to the registration of Crime No.13 of 2019 on the file of All Women Police Station, Ambasamudram, Tirunelveli District, for the offences under Sections 294(b), 376 and 506(i) of I.P.C.

4.The learned Government Advcoate states that in the complaint, the expression 'forcibly' is mentioned. Therefore, prima facie it would attract the offence under Section 376 of IPC.

5.I am inclined to concur with the said submission. However, the case of the second petitioner stands on a different footing. The victim girl knew that the second petitioner is legally married to the first petitioner. She ought not to have had any kind of contact with the first petitioner.

6.In view of the above, this Criminal Original Petition is dismissed asfaras the first petitioner is concerned.

7. I am inclined to grant anticipatory bail to the second petitioner with certain conditions. Accordingly, second petitioner is ordered to be released on bail in the event of arrest or on her appearance before the learned Judicial Magistrate, Ambasamudram, and on her executing 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 learned Magistrate concerned and on further condition that the second petitioner shall appear before the respondent police as and when required for interrogation. The second petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

8. The second petitioner shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail shall stand dismissed.

sd/-
19/12/2019

/ TRUE COPY /

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

TO

1.THE JUDICIAL MAGISTRATE, AMBASAMUDRAM.

2.THE CHIEF JUDICIAL MAGISTRATE,

<https://hcservice.gov.in/> TIRUNELVELI DISTRICT.



3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
AMBASAMUDRAM,
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.K.NEETHIMOHAN Advocate SR.No.22256

ORDER
IN
CRL OP(MD) No.19132 of 2019
Date :19/12/2019

pnn
TK/JC/SAR.1/03.01.2020/3P/6C