



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2020

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

CrI.O.P.No. 9113 of 2020

1. Kavi Bharathi

2. Kolanji

3. Anbarasu

... Petitioners

Vs.

State by The Inspector of police,
All Women Police Station,
Virudhachalam,
Cuddalore District.
(Crime No.8 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest
in Crime No.8 of 2020 on the file of the respondent police.

For Petitioners : Mr.S.N. Arun Kumar

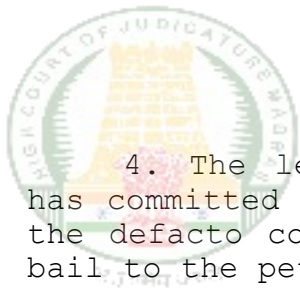
For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioners who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 417 and 506(ii) of IPC in Crime No.8 of 2020, seek anticipatory bail.

2. The case of the prosecution is that second and third petitioners are parents of the first petitioner. The defacto complainant on pretext of false promise made by A1/first petitioner that he will marry her, she had sexual intercourse with A1. Thereafter, A1 refused to marry the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner submitted that A1 fell in love with the defacto complainant and thereafter there was misunderstanding between them. He did not commit any sexual intercourse with the defacto complainant. Further, the second petitioner is the mother of the first petitioner and the third petitioner is the father of the first petitioner and they have nothing to do with the crime as alleged by the prosecution. Hence, he seeks bail in second and third petitioners.



4. The learned Additional Public Prosecutor submitted that A1 has committed rape on the pretext of marriage and thereafter cheated the defacto complainant. Hence, he vehemently opposed the grant of bail to the petitioners.

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5. It is seen that there are totally 3 accused and the A1/first petitioner fell in love with the defacto complainant aged about 23 years and also had sexual intercourse with her on the pretext of marriage. Thereafter, the first petitioner refused to marry the defacto complainant and cheated her.

6. Considering the facts and circumstances, this Court is not inclined to grant anticipatory bail to the 1st petitioner. Accordingly, the 1st petitioner is concerned, the petition is dismissed. So far as the petitioners 2nd and 3rd are concerned, this Court is inclined to grant anticipatory bail to them with certain conditions.

7. Accordingly, the petitioners 2 and 3, who are the parents of the first petitioner are directed to file an affidavit stating that they will not object the marriage between the petitioner and the defacto complainant before the respondent police, within a period of two weeks from the date on which the order copy made ready, and on filing of such affidavit, the second and third petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate No.I, Virudhachalam on condition that the petitioners 2 and 3 shall execute a separate 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 the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners 2 and 3 and their sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners 2 and 3 shall file an affidavit stating that they will not object the marriage between the petitioner and the defacto complainant, within a period of two weeks before the respondent police.

[d] the petitioners 2 and 3 shall appear before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation.

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.



[d] the petitioners 2 and 3 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

25/06/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, VIRUDHACHALAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE STATE REP BY ITS,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM CUDDALORE, DISTRICT

CC to M/S. S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.9113/2020

Date :25/06/2020

rd 27/07/2020