



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.20 20

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.13821 of 2020

WEB COPY

1. Santhi
W/o.Elumalai
- 2.Vadivukarasi
D/o.Elumalai
- 3.Vanitha
W/o.Manivel
- 4.Manokaran
S/o.Elumalai
- 5.Susi
W/o.Iyyappan

... Petitioners/A2-A6

Vs.

State Represented by,
The Inspector of Police,
All Women Police Station,
Tiruvannamalai.

Crime No.17 of 2020.

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.17 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.M.Mariappan

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

For Intervenor : Mr.B.Jawahar

ORDER

(This case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 294(b), 417, 376 of IPC, in Crime No.17 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Vidya is that she is aged about 29 years and that A1 is her cousin. On the false promise, A1 had sexual intercourse with her for the past seven years and later, she became pregnant and on the request of A1, the defacto complainant aborted her pregnancy and continued with the relationship for 7 years and later A1 refused to marry the defacto complainant. When she had insisted for the marriage, the other accused had abused her and intimidated her. Hence, the



3. The learned counsel appearing for the petitioners would submit that A1 and the defacto complainant are cousins, the defacto complainant is elder to him and her father passed away seven years ago and they developed relationship. He would submit that even as per the complaint A1 refused to marry her since the family members of both sides did not agree for their marriage stating that the defacto complainant is elder to A1. Thereafter, based on the complaint given by the defacto complainant with false allegations, the respondent registered the case against A1 and his family members. The relatives who have no role are unnecessarily implicated in this case. He would further submit that A1 was arrested and remanded to judicial custody on 15.08.2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that A1 and the defacto complainant are close relatives and on the false promise of marrying her, A1 had sexual intercourse with her for the past 7 years and later, she became pregnant and on the direction of the 1st accused, she was made to abort the pregnancy and later, the 1st accused refused to marry her. He would also submit that major part of the investigation is completed and the medical examination in respect of the petitioner as well as the victim has also been completed and the statement under Section 164 Cr.P.C. has been recorded from the victim.

5. The learned counsel appearing for the Intervenor vehemently opposed to grant anticipatory bail stating that A1 is the cousin of the defacto complainant, on the false promise of marrying her, A1 had sexual intercourse on several occasions, due to which, she got pregnant and aborted her pregnancy and thereafter, A1 refused to marry the defacto complainant.

6. Heard the counsels. Perused the F.I.R and the statement of the victim.

7. Taking into consideration the facts and submissions made by the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

8. Accordingly, the petitioners are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date of commencement of the Court's normal functioning, before the Fast Track, Mahila Court, Tiruvannamalai, on condition that the petitioners 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 and the 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 shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter on every Monday at 10.30 a.m., until further orders.

[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 abscond, a fresh FIR can be registered under Section 229A IPC.

8. With the above directions, this Criminal Original Petition is ordered.

-sd/-

15/09/2020

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 FAST TRACK COURT
TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVANAMALAI DISTRICT.

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

CC to M/S.MR.B.JAWAHAR Advocate on payment of necessary charges

CRL OP.13821/2020

Date :15/09/2020