



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

Date : 12/06/2020

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PRESENT

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

CRL OP (MD) . No.6170 of 2020

Venkatesh

... Petitioner/Accused No.1

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Srivaikundam,
Tuticorin District.
Crime No.9 of 2020.

... Respondent/Complainant

For Petitioners : Mr.M.Veilkani Raju,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime.No.9 of 2020 on the file of the Respondent police

ORDER : The Court made the following order :-

Heard the learned counsel appearing for the petitioner and the learned Government Advocate(Criminal Side) appearing for the respondent.

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 498(A), 294(b) and 506(i) of I.P.C., and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act, 2002, in Crime No.9 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the petitioner was living with the de-facto complainant and also made her pregnant. The de-facto complainant appears to be a divorcee.



4. The learned Government Advocate (Criminal side) states that considering the nature of the allegations made against the petitioner, the case should have been registered under Sections 376 and 417 of I.P.C.

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5. The petitioner's liability can be determined after the child is born and the D.N.A., tests are obtained. The petitioner has come forward to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the de-facto complainant directly. This will be a non-refundable payment, but without prejudice to the petitioner's defence in the trial. The learned counsel for the petitioner states that within a period of two weeks from the date of receipt of a copy of this order, he would make this payment.

6. Recording the undertaking of the petitioner to pay a sum of Rs.50,000/- (Rupees Fifty Thousand only) to the de-facto complainant directly, I am inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Srivaikundam, Tuticorin District and on his 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 petitioner shall appear before the respondent police daily at 6.00 p.m. for a period of four weeks from today and thereafter as and when required for interrogation. The petitioner shall comply with the conditions stipulated under Section 438 Cr.P.C scrupulously.

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

sd/-

12/06/2020

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/ /2020

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

Note : In view of the present lock down owing to COVID -19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



TO

1. THE JUDICIAL MAGISTRATE,
SRIVAICKUNDAM,
TUTICORIN DISTRICT.
2. DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
SRIVAICKUNDAM,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP (MD) No.6170 of 2020
Date :12/06/2020

AKV
SRS/ JC/ SAR-II/ 17.06.2020/ 3P/5C