



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 20/07/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.7441 of 2020

S.Erum

... Petitioner/Accused No.3

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Cantonment, Trichy City.
Cr No.13/2020.

... Respondent/Complainant

For Petitioner : Mr.N.Anandakumar,
Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

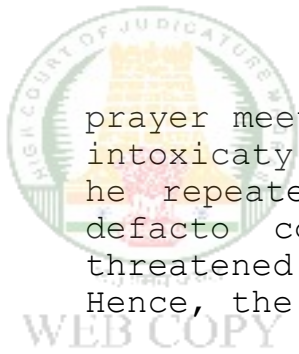
PRAYER :-

For Anticipatory Bail in Crime No.13 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A3, apprehending arrest at the hands of the respondent police for the offences punishable under sections 376, 498(A) and 109 of IPC in Crime No.13 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is the sister of A2. The defacto complainant is the wife of A2. A2 and his sister had converted to Muslim Religion and thereafter, A2 married to the defacto complainant on 10.12.2008. In the year 2011, the defacto complainant and other family members participated joint



prayer meeting conducted by A1. Wherein, A1 said to have given some intoxicating drinks to the defacto complainant and committed rape and he repeated the same for several years. In the year 2020, the defacto complainant knew about that matter and thereafter A1 threatened the defacto complainant and a complaint has been given. Hence, the crime has been registered.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

4. The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Due to family dispute, the petitioner has been falsely implicated in this case. Hence, he seeks anticipatory bail.

5. The learned Additional Public Prosecutor submitted that in this case, A1 is the habitual offender and several complaints have been pending against him in similar nature. So far as this petitioner is concerned, she along with the defacto complainant participated in joint prayer meeting conducted by A1. He further submitted that now the investigation is in progress.

6. Considering the facts and circumstances of the case and no prima facie case is made out for the offence under Section 498(A) of IPC, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of four weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, Trichy, on condition that the petitioner shall execute a bond for a sum of Rs.50,000/- (Rupees Fifty 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:

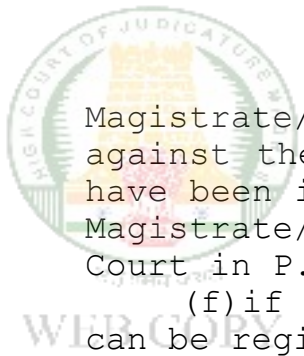
(a) the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police as and when required for interrogation.

(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner shall not abscond either during investigation or trial;

<https://hcservices.ecourts.gov.in/hcservices> 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]; and;
(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
20/07/2020

/ TRUE COPY /

/ /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 JUDGE,
ADDITIONAL MAHILA COURT,
TRICHY.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
CANTONMENT, TRICHY CITY.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.7441 of 2020
Date :20/07/2020

VSG
TE/PN/SAR-II : 22/07/2020 : 3P/4C