



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 07/08/2020

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PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD) . No.8276 of 2020

Dinesh

... Petitioner/Accused No.1

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Manamadurai,
Sivagangai District.
(Crime No.7/2020).

... Respondent/Complainant

For Petitioner : Mr.S.Ravi,
Advocate.

For Respondent : Mr.K. Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 7/2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under sections 417, 376, 294(b) and 506(i) of IPC, in Crime No.7 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant belongs to the same village and they are close relatives. The defacto complainant and the petitioner loved each other from the year 2017. Thereafter, he got employment in Singapore and left from that place in the year 2018. After he came from Singapore, he had sexual intercourse with the defacto complainant with a false promise to marry her and subsequently, she got pregnant. Thereafter, she has undergone abortion later on, the



petitioner refused to marry her, due to which, she attempted suicide. On 07.07.2020, the defacto complainant along with her parents went to the house of the petitioner and requested him to marry the defacto complainant and the same was refused by him, he abused the defacto complainant and her parents and also criminally intimidated their family. Based on the complaint given by the defacto complainant, the crime has been registered against the petitioner.

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

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. He further submitted that the petitioner and the defacto complainant are close relatives and they belong to the same village. He further submitted that the defacto complainant's family wanted the petitioner to marry the defacto complainant. But the mother of the petitioner did not like the family of the defacto complainant and searched for alliance. Due to that motive, the petitioner has been falsely implicated by the defacto complainant. He further submitted that the petitioner already got married with one Gunavathi. Hence, he prayed for grant of anticipatory bail to the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner had sexual intercourse with the defacto complainant with a false promise to marry her and subsequently, she got pregnant. Thereafter, she has undergone abortion and later, the petitioner refused to marry her, due to which, she attempted suicide. Hence, the crime has been registered.

6. Considering the above facts and circumstances of the case and also considering the fact that the occurrence said to have taken place on 07.07.2020 and the FIR has been registered only on 27.07.2020 and there is a delay in registering the FIR and the petitioner already got married with one Gunavathi, considering the above circumstances, 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 his appearance, within a period of four weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Manamadurai, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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



(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;

(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]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
07/08/2020

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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, MANAMADURAI.

2. DO THRO' THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.

3. THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MANAMADURAI,
SIVAGANGAI DISTRICT.



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

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ORDER

IN

CRL OP(MD) No.8276 of 2020

Date :07/08/2020

vsg

AE/AKM/SAR-II (14.08.2020) 4P 5C