



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

Date : 18/08/2020

PRESENT

The Hon`ble Mr.Justice V.BHARATHIDASAN

CRL OP(MD). No.8571 of 2020

1.Janaki
2.Poornima
3.Manikandan

... Petitioners/Accused
2 to 4

Vs

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

... Respondent/Complainant

For Petitioners : M/s.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 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners who are arrayed as A-2 to A-4 apprehending arrest at the hands of the respondent police for the offences punishable under Sections 417, 376, 294(b) and 506(i) of I.P.C., 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 petitioners and the defacto complainant belongs to the same village and they are close relatives. The allegation is that A-1 and the defacto complainant loved each other from the year 2017 and thereafter, he got an employment in Singapore and left from that place in the year 2018 and after he came back 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, A-1 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 petitioners and requested to marry the defacto complainant and the same was refused by A-1 and the petitioners and they 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 petitioners are innocent person and they have not committed any offence as alleged by the prosecution. He further submitted that the first petitioner is the mother and the second petitioner is younger sister and the third petitioner is the husband of the second petitioner and these petitioners and the defacto complainant are close relatives and they belong to the same village. He further submitted that the defacto complainant's family wanted A-1 to marry the defacto complainant. But the first petitioner did not like the family of the defacto complainant and searched for alliance. Due to that motive, these petitioners have been falsely implicated by the defacto complainant. He further submitted that A-1 already got married with one Gunavathi. Hence, he prayed for grant of anticipatory bail to the petitioner.

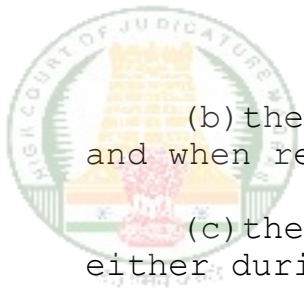
5. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that A-1 was already granted anticipatory bail and the only allegation against the petitioners is that they refused to marry the defacto complainant with A-1.

6. Considering the above facts and circumstances of the case and also considering the fact that A-1 was already granted anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their 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 petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each 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 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

<https://hdcservicesportal.gov.in/hdcservices/identity>;



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

(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]; and;

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

sd/-
18/08/2020

/ TRUE COPY /

/08/2020
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 THROUGHT 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.

ORDER
IN
CRL OP(MD) No.8571 of 2020
Date :18/08/2020

KSA
TK/PN/SAR.3/20.08.2020/3P/5C

<https://hcservices.ecourts.gov.in/hcservices/>