



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 21/09/2020

PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL OP (MD).No.9433 of 2020

Arunkumar

... Petitioner/Sole Accused

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Golden rock,
Trichy.
Crime No.13 of 2020.

... Respondent/Complainant

For Petitioner : Mr.N.Anandakumar,
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.13 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is the sole accused, apprehending arrest at the hands of the respondent police for the offence punishable under Sections 417 and 420 of IPC., and Section 4 of Dowry Prohibition Act, 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 was in love with the defacto complainant for the past twelve years and on a false promise of getting her married, he had sexual intercourse with the defacto complainant for several times. Thereafter, the defacto complainant asked the petitioner to marry her, the same was refused by the petitioner. Based on the complaint given by the defacto complainant, the present FIR has been registered.



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 and the defacto complainant were in love for more than twelve years. Due to misunderstanding between them, the defacto complainant changed her residence and stayed in Madurai and was doing finance business. The petitioner approached the defacto complainant for getting marriage, but the defacto complainant had refused for the marriage proposal and also threatened the petitioner. Hence, the petitioner gave a complaint before the Commissioner of Police, Trichy, the enquiry was conducted by the police and the same was closed. Thereafter, the present complaint has been filed.

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 subsequently, she got pregnant. Thereafter, she had undergone abortion, later, the petitioner refused to marry her. Hence, the case has been registered.

6. Considering the facts and circumstances of the case that the petitioner was in love with the defacto complainant, and according to him, he was ready and willing to marry her, only the defacto complainant refused and threatened the petitioner, the petitioner also said to have given a complaint before the Commissioner of Police, Trichy, an enquiry was also conducted, by the police, and the same was closed, considering all these circumstances, this Court is 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, Additional Mahila Court, Trichy, 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 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;

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

(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/-

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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,
ADDITIONAL MAHILA COURT,
TRICHY.
2. DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TRICHY DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GOLDENROCK, TRICHY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.9433 of 2020

Date : 21/09/2020

VSD

TE/AKM/SAR-I : 24/09/2020 : 3P/5C