



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Dated : 23/09/2020

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PRESENT

The Hon'ble Mr.Justice V.BHARATHIDASAN

CRL.O.P. (MD). No.10193 of 2020

1. Abdul Rahuman @ Bashith
2. Shabika Banu @ Fathima : Petitioners/Accused Nos.2&3

Vs.

State represented by
The Inspector of Police,
All Women Police Station,
Thoothukudi,
Thoothukudi District.
(Crime No.26 of 2020).

: Respondent/Complainant

For Petitioners : Mr.K.Navaneetharaja,
Advocate.

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

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 438 of Cr.P.C

PRAYER :-

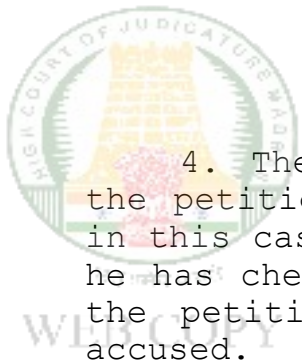
For Anticipatory Bail in Crime No.26 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused Nos.2 and 3, who apprehend arrest at the hands of the respondent police in connection with a case registered in Crime No.26 of 2020 for the offences punishable under Sections 417, 420 and 506(i) of the Indian Penal Code, seek anticipatory bail.

2. Heard both sides.

3.The allegation is that the first accused was in love with the defacto complainant and he promised to marry her and on false promise, he had sexual intercourse with her and thereafter, refused to marry her. Hence, the complaint has been given.



4. The learned counsel for the petitioners would submit that the petitioners are innocent and they have been falsely implicated in this case. The allegation is only against the first accused that he has cheated the *defacto* complainant by giving false promise and the petitioners are only brother-in-law and sister of the first accused.

5. Heard the learned Government Advocate (Criminal side) appearing for the respondent also.

6. Considering the facts and circumstances of the case and also considering the fact that the petitioners are only brother-in-law and sister of the first accused, 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 No.IV, Thoothukudi, on condition that the petitioners shall execute a bond for a sum of Rs.20,000/- (Rupees Twenty 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 to ensure their 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 petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

23/09/2020

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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 No.IV, THOOTHUKUDI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THOOTHUKUDI,
THOOTHUKUDI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10193 of 2020
Date :23/09/2020

SML
TE/PN/SAR-I : 25/09/2020 : 3P/5C