



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

Date : 04/11/2020

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.12041 of 2020

Dharmaraj

... Petitioner/Sole Accused

Vs

State rep.by,
The Inspector of Police,
All Women Police Station,
Ramanathapuram,
Ramanathapuram District.
In Crime No.16 of 2020.

... Respondent/Complainant

For Petitioner : Mr.R.Shankar Ganesh,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.16 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 506(i) of IPC and Section 67 of the Information Technology Act and Section 4 of TNPHW Act, 2002 in crime No.16 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. Heard both sides.

3.The case of the prosecution is that the defacto complainant got married with one Gangatharan and also gave birth to one female child. When her husband went abroad for employment purpose, she had relationship with the accused. While their relationship, the accused had taken photographs and thereafter, threatened her and extracted money. Though the defacto complainant did not claim anything from the accused, he has threatened the defacto complainant and he compelled her to live with him.



4.The learned counsel for the petitioner would submit that admittedly the petitioner had relationship with the defacto complainant and the defacto complainant borrowed loan from the petitioner and failed to repay the same. Only to escape from the said liability, a false complaint has been registered as against the petitioner.

5.The learned Government Advocate(Crl.Side) submitted that the petitioner had illegal intimacy with the defacto complainant. While their relationship, the petitioner had taken photographs and thereby, threatened the defacto complainant and also compelled her to live with him. He also extracted money from the defacto complainant.

6.It is seen that the defacto complainant married to one Gangatharan and gave birth to one female child. The husband of the defacto complainant went abroad for employment. While that being so, the defacto complainant had relationship with the petitioner herein. While their relationship, they had taken photographs and thereafter,compelled her to live with him.

7.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the condition that the petitioner shall file an affidavit before the Court concerned undertaking that he will not disturb the defacto complainant in future and not to enter any illegal activities as against the defacto complainant.

8.On such filing of the affidavit, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Ramanathapuram on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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 daily at 10.30 a.m., for period of two weeks and thereafter 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
04/11/2020

/ 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 JUDICIAL MAGISTRATE NO.I,
RAMANATHAPURAM.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
- 3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, RAMANATHAPURAM,
RAMANATHAPURAM DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.12041 of 2020
Date :04/11/2020

GNS

<https://hccg.org.in/ncs/2020.11.2020> : 3P/5C