



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11/11/2020

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PRESENT

The Hon'ble Mr.Justice S.M.SUBRAMANIAM

CRL OP(MD) .No.12861 of 2020

Chellapandi ..Petitioner/Sole Accused

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Sivagangai, Sivagangai District.
Crime No.16 of 2020. ... Respondent/Complainant

For Petitioner : Mr.S.Mahendrapathy,
Advocate.

For Respondent : Mrs.M.Anantha Devi,
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 is the sole accused, apprehending arrest at the hands of the respondent police for the offence punishable under sections 417, 376 IPC, in Crime No.16 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that in the year 2007, the defacto complainant studied tuition at Karaikudi Bharathi Tuiton Centre and the petitioner stayed near the tuition centre and he did his college studies and had love with each other. Thereafter, the petitioner went to Dubai for his work and due to love and affection, both had physical relationship at various times at various places. In the mean time, the petitioner parents arranged betrothal function to the petitioner with another girl and the same was questioned by this petitioner for that he refused to marry the petitioner and thereby, the petitioner committed the offence.



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 loved each other and the parents of the defacto complainant refused for the marriage proposal by stating that the petitioner belongs to Hindu caste and the same was also clearly mentioned in the complaint given by the defacto complainant and now the petitioner got married another girl as arranged by his parents. Due to that motive, the false complaint was lodged against the petitioner.

5. The learned Government Advocate (Crl. Side) appearing for the respondent police strongly opposed to grant anticipatory bail to the petitioner.

6. Considering the facts and circumstances of the case, 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 two weeks from the date of receipt of a copy of this order, before the Additional Mahila Court, Sivagangai, 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 his photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of his Aadhar card or Bank pass Book to ensure his identity;

(b) the petitioner shall report before the respondent police daily morning at 10.00 a.m., without fail, for a period of Two Weeks and thereafter as on 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

<https://hccourts.courts.gov.in/Kse61nes> *Govindarajan P. In/ Kse61nes* 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/-
11/11/2020

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WEB 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 JUDGE,
ADDITIONAL MAHILA COURT, SIVAGANGAI.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SIVAGANGAI, SIVAGANGAI DISTRICT.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.12861 of 2020
Date :11/11/2020

vsd
AE/JC/SAR-IV (20.11.2020) 3P 4C