



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

Date : 17/12/2020

PRESENT

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

**CRL OP(MD).No.15040 of 2020**

1.Chandran  
2.Manjula  
3.Vanadurai

... Petitioners/Accused Nos.2 to 4

Vs

State Rep.by,  
The Inspector of Police,  
All Women Police Station,  
Rajapalayam,  
Virudhunagar District.  
(Cr.No.17 of 2020)

... Respondent/Complainant

For Petitioners: Mr.R.Nireesh Kumar,  
Advocate.

For Respondent : Mr.R.Erottuchamy,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.17 of 2020 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A2 to A4, apprehending arrest at the hands of the respondent police for the offences punishable under sections 417 and 109 IPC and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act 2001, in Crime No.17 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant and the first accused namely Muthulingaraj loved each other for the past 10 years and also they lived as husband and wife. Thereafter, the defacto complainant asked A1 to marry her, the same was refused by A1 and the petitioners are tried to marry the first accused to another girl. Hence, the case has been registered.

3.Heard the learned counsel appearing for the petitioners and the learned Government Advocate(Crl.Side)appearing for the respondent.



4.The learned counsel appearing for the petitioners submitted that the petitioners are parents and uncle of the first accused. They have absolutely no knowledge about the love affair between A1 and the victim girl. He further submitted that A1 had already been arrested and released on bail. Hence, he seek anticipatory bail.

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5.The learned Government Advocate (Crl. Side), on instructions, submitted that the defacto complainant and the first accused loved each other for the past 10 years and also they lived as husband and wife. Thereafter, the defacto complainant asked A1 to marry her, the same was refused by A1 and the petitioners also taking steps to get engaged with another girl and criminally intimidated the defacto complainant.

6.It is seen that there are totally four accused, in which the petitioners are arrayed as A2 to A4. Admittedly, the petitioners are parents and uncle of the first accused. The first accused and the defacto complainant loved each other for the past 10 years and also they lived as husband and wife. Thereafter, the defacto complainant asked A1 to marry her, the same was refused by A1. Now A1 was arrested and released on bail. Insofar as the petitioners are concerned, they are father and mother and uncle of A1. They have only tried to marry the first accused to another girl.

7.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners.

8.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Additional Mahila Court, Srivilliputhur at Virudhunagar, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten 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:

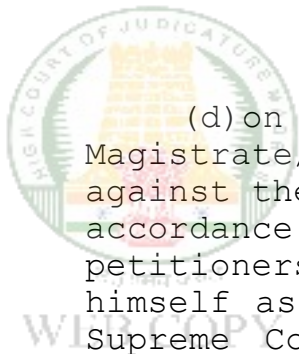
(a)the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall report before the respondent police daily at 10.00 a.m. for a period of Two Weeks and thereafter 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;

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(d) 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/-  
17/12/2020

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/ /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 ADDITIONAL MAHILA JUDGE,  
SRIVILLIPUTHUR AT VIRUDHUNAGAR
2. THE INSPECTOR OF POLICE,  
ALL WOMEN POLICE STATION,  
RAJAPALAYAM, VIRUDHUNAGAR DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.

ORDER  
IN  
CRL OP(MD) No.15040 of 2020  
Date : 17/12/2020

VSD  
PK/SMA/SAR-II/23.12.2020 : 3P/4C