

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Seventeenth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4786 of 2021

PARTHASARATHI

[PETITIONER / ACCUSED]

Vs

THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT
CRIME NO.2355 OF 2020

[RESPONDENT]

For Petitioner : M/S.S.SEKAR Advocate

For Respondent : M/S.S.KARTHIKEYAN, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

The petitioner is the sole accused. Apprehending arrest at the hands of the respondent police for the alleged offence under Sections 417, 493 and 506(2) of IPC in Crime No.2355 of 2020 on the file of the respondent police, the petitioner seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the daughter of the defacto complainant loved each other. The petitioner and the defacto complainant are close relatives. The petitioner promised to marry his daughter. In the village panchayat also he promised that he will marry the daughter of the defacto complainant after completing their school education. Thereafter the petitioner breached his promise and got married to another girl. Hence, the respondent police registered a case against the petitioner.

3. The learned counsel appearing for the petitioner submitted that the petitioner did not indulged in any offence. He further submitted that the petitioner never made any promise to marry the daughter of defacto complainant. As the petitioner and the defacto complainant are close relatives, the defacto complainant compelled the petitioner to marry his daughter, that was refused by the petitioner and hence the defacto complaint gave the present complaint. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the petitioner promised to marry the daughter of the defacto complainant but married another girl. They are close relatives.

5. Considering the facts and circumstances of the case, and the fact that there is no serious allegation of sexual assault and the allegation is that the petitioner promised to marry the daughter of the defacto complainant but he married another girl, hence this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions :

(a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thiruthuraipoondi, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

(b) 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.

(c) The petitioner shall appear before the respondent police as and when required for interrogation.

(d) The petitioner shall not tamper with evidence or witness either during investigation or trial.

(e) The petitioner shall not abscond either during investigation or trial.

(f) 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].

(g) If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
17/03/2021

This order, on being produced, be punctually observed and carried
into execution by all concerned
TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
THIRUTHURAIPOONDI

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
MUTHUPETTAI POLICE STATION,
THIRUVARUR DISTRICT

CC to M/S.S.SEKAR Advocate on payment of necessary charges
SR.NO. 3698

CRL OP.4786/2021

Date :17/03/2021

rvr 30/03/2021