

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Twenty Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.7936 of 2021

1 PANNEERSELVAM [PETITIONERS / ACCUSED]
2 GOWRI
3 RAGU
4 SUGUMAR

Vs

STATE BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ARNI,
TIRUVANNAMALAI DISTRICT.
CR.NO.5/2021.

For Petitioner : M/S. M.REBECCA Advocate

For Respondent : MR. T.SHUNMUGARAJESWARAN,
Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Section 417, 376(1), 315 and 506(i) of IPC, in Crime No.5 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the A1 and the defacto complainant loved each other and on a false promise to marry the defacto complainant the petitioner had sexual relationship with her. The defacto complainant became pregnant and on the advise of A1, it has been aborted and thereafter for the second time, she became pregnant and A1 advised her to take tablet and abort the child. On

knowing the fact, the defacto complainant's parents went to A1's house and asked his parents to solemnize the marriage between A1 and the defacto complainant. Initially they agreed but later they refused to solemnize the marriage. Hence, the complaint.

3.The learned counsel appearing for the petitioners submit that the petitioners did not commit any offence as alleged by the prosecution. Hence, he sought for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) appearing for the respondent police submitted that on a false promise to marry the defacto complainant the petitioner had sexual relationship and thereafter refused to marry. He further submitted that totally there are five accused person in this case. A1 was arrested and released on bail.

5.Taking into consideration the facts and circumstances of the case and also that A1 has already been arrested and released on bail, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are 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, Arni, on condition that the each of 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 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 Court concerned 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 10.30 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;

(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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

28/04/2021

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
ARNI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI DISTRICT. (FOR INFORMATION)

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, ARNI,
TIRUVANNAMALAI DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.REBECCA Advocate on payment of necessary charges SR.No. 5561

CRL OP.7936/2021

Date :28/04/2021

RG.13.05.2021

WEB COPY