

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.05.2021

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THE HON'BLE MRS. JUSTICE **T.V.THAMILSELVI**

Crl.O.P.No.9537 of 2021

Anishkumar,
S/o.Sivasankaran

... Petitioner

Vs.

State Represented by
The Inspector of Police,
AWPS Pulianthope,
Chennai.
Cr.No.14 of 2020.

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on bail in the event of his arrest in
Crime No.14 of 2020 on the file of the respondent police.

For Petitioners : Mr.M.Jaikumar

For Respondent : Mr.A.Damodaran
Government Advocate
(Crl. side)

ORDER

The petitioner who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 406, 323, 294 (b), 323, 324, 506 (ii) and 109 of IPC, in Crime No.14 of 2020, seek anticipatory bail.

2. The case of the prosecution is that the petitioner and the victim girl were in love with each other from 2010 onwards and also had physical intercourse with her, while they were living together, on the promise of marry her and thereafter, the petitioner refuse to marry the victim girl. Hence, he seeks grant of bail to the petitioner.

3. The learned counsel appearing for the petitioner submitted that even now the petitioner is willing to marry the victim girl. Hence, he prays to anticipatory bail to the petitioner.

4. The learned Government Advocate submitted that the defacto complainant was taken away by force and the petitioner had physical intercourse with her. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Taking into consideration of the fact that they were in love affair about 10 years, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of four weeks from the date of normal functioning of the Court below, (i.e.,) before the learned Metropolitan Magistrate, Additional Mahila Court, Egmore, on condition that the each of the petitioners shall execute a own 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, failing which, the petition for anticipatory bail shall stand dismissed 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 a period of two weeks and thereafter as and when required for interrogation.

[c] The petitioner shall not leave India without the previous permission of the Court.

[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 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]**.

[g] If the accused thereafter abscond/s, a fresh FIR can be registered under Section 229A IPC.

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Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

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To

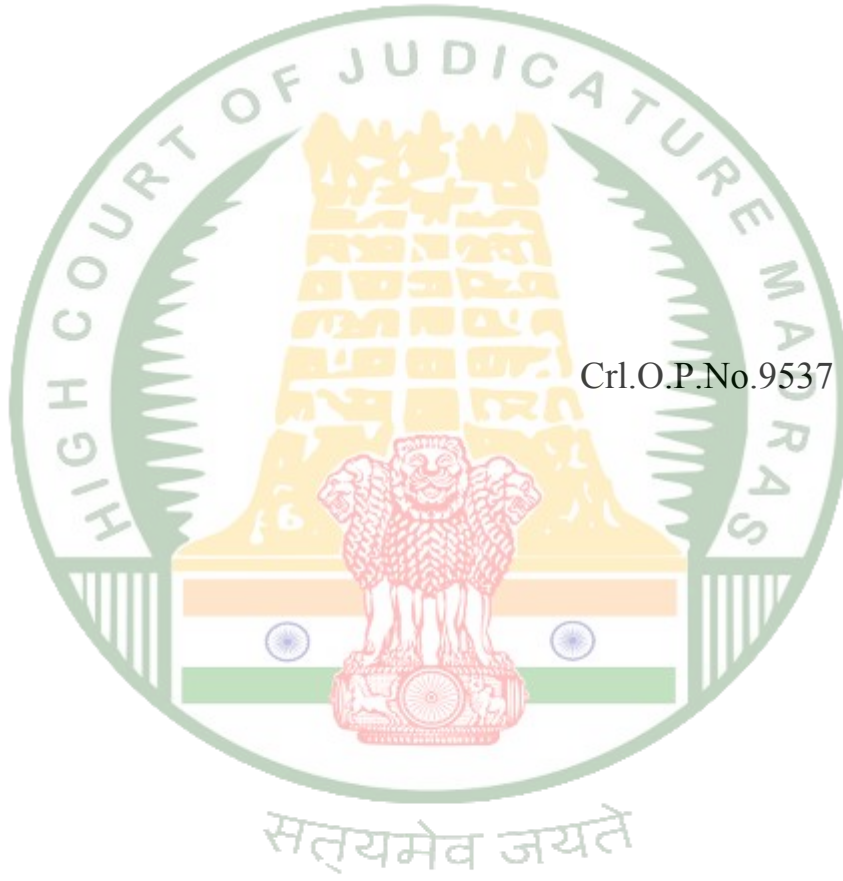
1. The Metropolitan Magistrate, Additional Mahila Court,
Egmore.
2. The Inspector of Police,
AWPS Pulianthope,
Chennai.
3. The Public Prosecutor,
Madras High Court,
Chennai.



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T.V.THAMILSELVI, J.

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