



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.06.2021

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CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

Crl.O.P.No.17035 of 2020

M.Kalaiselvi
D/o.Murugesan

... Petitioner

Vs.

1. The State Rep by its
The Inspector of Police,
All Women Police Station, (East)
Coimbatore.
(Crime No.8 of 2020)

2. R.Manoj Kumar
S/o.Ragupathy

... Respondents

PRAYER: Criminal Original petition has been filed under Section 439(2) of Cr.P.C prayed to cancel the anticipatory bail granted to the second respondent through order dated 21.08.2020 in CMP.No.2293 of 2020 on the file of the Principal District and Session Judge at Coimbatore in Crime No.8 of 2020 on the file of the 1st respondent police.

For Petitioner	: Mr.K.Myilsamy
For Respondents	:
For R1	: Mr.C.E.Pratap, Government Advocate (Crl.Side)
For R2	: Mr.Muruganantham

ORDER

This petition has been filed to cancel the bail granted to the accused/second respondent herein in Crl.MP.No.2293 of 2020 by the Principal District and Sessions Judge, Coimbatore vide order dated 21.08.2020.

2. The case of the prosecution is that the second respondent herein gave false promise to the petitioner to marry her and believing his words, the petitioner loved him. After having such relationship for more that 1½ years, now the second respondent has arranged his marriage with another girl.



3. The learned counsel for the petitioner submitted that the petitioner is aged about 26 years and she is a divorcee. The petitioner/complainant is hailing from Chennai and nobody is available to support her. She came to Coimbatore and is working in a private concern. The second respondent/accused is the superior officer to the petitioner in the said concern. After knowing the personal details of the petitioner, the second respondent/accused proposed his love to her and gave false promise. Believing his words, the petitioner loved him. While so, the second respondent has used the petitioner for his own financial needs. During the love affair, the second respondent had received nearly Rs.2 lakhs from the defacto complainant on several occasions and portion of the amount has been repaid and with regard to the remaining amount, the second respondent cheated the petitioner. Further, as a result of their relationship, she got conceived and subsequently, the same was aborted. To establish the relationship between the petitioner and the second respondent, the petitioner has produced photographs and chat messages between herself and the second respondent.

4. The learned counsel for the second respondent submitted that the petitioner is not having any intention to marry the 2nd respondent and that the only intention of the 2nd petitioner is to extract money from the petitioner. Further, no material has been placed before this Court to show any fraudulent act committed by the 2nd respondent or not following any of the conditions imposed by the trial court. It is further submitted that this Court may impose any reasonable condition, which the 2nd respondent would scrupulously follow and comply, including deposit of any reasonable amount, as may be ordered by this Court.

5. The trial court after elaborate discussion granted anticipatory bail to the second respondent and has imposed certain condition.

6. It is evident from the records that the rival contentions boil down to the alleged love affair between the petitioner and the 2nd respondent. As an off-shoot thereof, there seems to have been some monetary transactions between the petitioner and the 2nd respondent. It is not the case of the petitioner that she has the intention to marry, but it is the submission that money has been taken from her, which has not been repaid, while it is countered by the 2nd respondent stating that misusing the relationship, the petitioner is trying to extract money from the 2nd respondent.

7. However, the relationship between the petitioner and the 2nd respondent is not disputed. The main dispute relates to the



monetary transaction between them. In such a backdrop, this Court is of the considered view that bail granted to the 2nd respondent could be continued, however, by imposing additional conditions.

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8. Accordingly, the bail granted by the trial court is continued subject to the 2nd respondent depositing a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.08/2020 on the file of the Judicial Magistrate, Additional Mahila Court, Coimbatore within a period of four weeks from the date of receipt of a copy of this order. It is also made clear that the conditions imposed by the trial court shall be strictly complied with by the 2nd respondent in addition to the condition imposed by this court above. It is further made clear that the 2nd respondent shall not in any way harass the petitioner.

9. This criminal original petition is disposed of with the aforesaid observations and directions.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

Vv

To

1. The Principal District and Session Judge
Coimbatore
2. The Judicial Magistrate,
Additional Mahila Court,
Coimbatore .
3. The Inspector of Police,
All Women Police Station, (East)
Coimbatore.
4. The Public Prosecutor,
High Court of Madras,
Chennai.

+1CC to Mr.K.Myilsamy, Advocate, Sr.No.29936

+1CC to Mr.M.Muruganantham, Advocate, Sr.No.35155 (06.08.2021)

Cr1.O.P.No.17035 of 2020

PL (CO)

K.RK. (02.08.2021)