



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Twenty First day of October Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.18287 of 2021

BOOPATHY

[PETITIONER / ACCUSED]

Vs

STATE REP.BY

[RESPONDENT]

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
OMALUR, SALEM DISTRICT.
CR NO.17/2021.

For Petitioner : M/S.P.DASARATHAN Advocate

For Respondent : M/S.C.E.PRATAP, Govt. Advocate (Crl.Side)

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest for the alleged offence under Sections 417, 420 & 493 of IPC in Cr.No.17 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant loved each other and got married in the year 2020 without the knowledge of their parents. Thereafter, the petitioner asked the de-facto complainant to stay with her parents and also the petitioner on multiple occasions gave fake promises and had sexual relationship with the de-facto complainant. Thereafter, when the de-facto complainant requested the petitioner to live together, the same was denied by the petitioner. Hence, the de-facto complainant lodged a complaint against the petitioner and at that time the petitioner agreed to accept the de-facto complainant and live together, being so, the de-facto complainant withdrawn the complaint. However, after withdrawal of the complaint the petitioner denied to live with the de-facto complainant. Hence complaint was once again given by the de-facto complainant.

3.The learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is ready to marry the de-facto complainant, whereas, the de-facto



complainant is the one who refused marry the petitioner. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl. side) appearing for the respondent, on verification, submitted that the de-facto complainant is not ready to marry the petitioner. He opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and since the petitioner is ready to marry the de-facto complainant and the de-facto complainant is the one who refused for marriage, 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 fifteen days from the date of receipt of a copy of this order, before the learned **Judicial Magistrate Court, Omalur**, on condition that 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 petitioner 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 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 tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 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]**; and;



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

-sd/-

21/10/2021

WEB COPY

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,
OMALUR, SALEM.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
OMALUR, SALEM DISTRICT.

+1 CC to M/S.P.DASARATHAN Advocate on payment of necessary charges SR.NO.11543

CRL OP.18287/2021

Date :21/10/2021

TA-29/10/2021