



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eleventh day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V. THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20544 of 2021

1 M.PARTHIBAN
2 MARIMUTHU
3 VASANTHA

[PETITIONERS / ACCUSED]

Vs

STATE REP BY THE
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALLADAM,
TIRUPPUR DISTRICT.
CRIME NO. 10/2021

[RESPONDENT]

For Petitioner : M/S C.PRAKASAM Advocate

For Respondent : MR.N.S.SUGANTHAN, Counsel for Government Advocate,
(Crl.Side)

For Intervener : M/S. N.PONRAJ, Advocate

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

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 417, 376, 294(b) and 506(i) of IPC, in Crime No.10 of 2021, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant and the petitioners are close relatives. The 2nd and 3rd petitioners are the parents of the 1st petitioner. The 1st petitioner fell in love with the defacto complainant and on the false promise of marrying her, he had sexual intimacy with her following which, the defacto complainant became pregnant and subsequently, the pregnancy was aborted. Thereafter, the 1st petitioner refused to marry her.

3. Mr.Ponraj, learned Counsel for the Intervenor would submit that the 1st petitioner on the false promise of marrying the defacto complainant, had physical relationship with her. Subsequently, she became pregnant and after aborting the foetus, the 1st petitioner refused to marry her. He would insist that the 1st petitioner may be directed to file an affidavit that he would marry the defacto complainant.

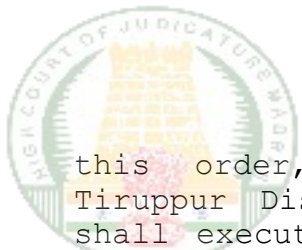
3.The learned counsel appearing for the petitioners would submit that the 2nd and 3rd petitioners are the parents of the 1st petitioner and they are no way connected with the alleged offence. He would submit that the 2nd and 3rd petitioners have no objection in the 1st petitioner marrying the defacto complainant. In fact, they have been advising the 1st petitioner to marry the defato complainant. However, the 1st petitioner is refusing to marry her. Hence, he would pray atleast the 2nd and 3rd petitioners may be granted anticipatory bail.

4.The learned Government Advocate appearing for the respondent police raised objection stating that 1st petitioner on the false promise of marrying the defacto complainant, had physical relationship with her due to which, she became pregnant and subsequently, the foetus was aborted and thereafter, the 1st petitioner refused to marry her stating that she is having love affair with some other person.

5.Considering the grave nature of offence, at initial stage investigation is pending, this Court is not inclined to grant anticipatory bail to the 1st petitioner. Accordingly, this Criminal Original Petition is dismissed in respect of the 1st petitioner is concerned.

6. It is seen that the 2nd and 3rd petitioners are the parents of the 1st petitioner and since it is stated that they have no objection if the 1st petitioner proposes to marry the defacto complainant, this Court is inclined to grant anticipatory bail to the 2nd and 3rd petitioners with certain conditions.

7.Accordingly, the 2nd and 3rd petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of



this order, before the learned Judicial Magistrate, Palladam, Tiruppur District, on condition that the 2nd and 3rd petitioners shall execute separate bonds 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 2nd and 3rd 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 2nd and 3rd petitioners shall appear before the respondent police on every Friday at 10.30 a.m. until further orders.

(c) the 2nd and 3rd petitioners shall not tamper with evidence or witness either during investigation or trial;

(d) the 2nd and 3rd 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 2nd and 3rd petitioners in accordance with law as if the conditions have been imposed and the 2nd and 3rd 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/-

11/11/2021

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,
PALLADAM, TIRUPPUR DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. [FOR INFORMATION]



3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALLADAM, TIRUPPUR DISTRICT.

CC to M/S C.PRAKASAM Advocate on payment of necessary charges

CRL OP.20544/2021

Date :11/11/2021

RW 19/11/2021