



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Second day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION NOS.20829 AND 20832 of 2021

1 AYYANDURAI
2 PARIMALAGANTHAM

[PETITIONERS / ACCUSED
IN CRL.OP.NO.20829/2021]

MAHAN MAHARAJ

[PETITIONER / ACCUSED
IN CRL.OP.NO.20832/2021]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR, SALEM DISTRICT.
(CRIME NO. 12 OF 2021)

[RESPONDENT/COMPLAINANT
IN BOTH PETITIONS]

For Petitioner : M/S. M.R.JOTHIMANIAN Advocate
[IN BOTH PETITIONS]

For Respondent : MR.C.E.PRATAP, Govt. Advocate (Crl. Side)
[IN BOTH PETITIONS]

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

ORDER : The Court Made the following order :-

The petitioners in Crl.O.P.Nos.', who apprehend arrest for the alleged offence under Sections 294(b), 323, 417, 506(2) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Cr.No.12 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution in Crl.O.P.Nos.' is that the petitioner/A1 is a doctor and petitioner/A3 and A4 are father and mother of A1. It is alleged that petitioner/A1 had love affair with the defacto complainant, who was working as a Lab Technician adjacent to the clinic of A1. Thereafter, they both were in sexual relationship due to which the victim/defacto complainant became pregnant and was forced by the petitioners to abort her pregnancy by taking papaya juice following which the defacto complainant insisted the petitioner/A1 to marry her and the same was refused by the petitioner/A1. Thereby, the defacto complainant lodged a complaint against the petitioners.



3.The learned counsel appearing for the petitioners submit that the petitioners have not committed any offence as alleged by the prosecution. He further submits that the petitioner is a registered medical practitioner and he had a private clinic adjacent to the medical lab of defacto complainant thereby, the defacto complainant developed one side love. He further submits that this Court issued direction to the Deputy Superintendent of Police in Crl.O.P.No.19907 of 2021 dated 26.10.2021 to conduct investigation subsequently, the enquiry was conducted and during which, the defacto complainant demanded an amount of Rs.5,00,000/- for settling the issue and when the same was refused by the petitioners, the present F.I.R was registered. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.side) submits that the petitioner/A1 was in love with the defacto complainant and had physical contact due to which she became pregnant. Thereafter, the petitioners forced the defacto complainant to abort her fetus by consuming papaya juice and the defacto complainant insisted the petitioner/A1 to marry her and the same was refused by the petitioner/A1. He further submits that the investigation is pending in this case. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and the allegation levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners in the above Crl.O.P.Nos.'.

6.Accordingly, the 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 No-II, Mettur, Salem District* on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand Only) each, 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/A1 and A3 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 and the petitioner/A4 shall appear before the respondent police 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/-

02/11/2021

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,
NO.II, METTUR, SALEM DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
SALEM [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
METTUR, SALEM DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+2CC to M/S. M.R.JOTHIMANIAN Advocate on payment of necessary charges SR.NO.12465+12466

CRL.OP.NOs.20829 AND 20832/2021

Date :02/11/2021