



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Ninth day of November Two Thousand Twenty One

PRESENT

The Hon`ble Mrs Justice T.V.THAMILSELVI

CRIMINAL ORIGINAL PETITION No.20923 of 2021

1 ARUNKUMAR [PETITIONERS / ACCUSED]
2 KARUPPUSAMY
3 LAKSHMI
4 VIGNESHWARAN

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI.
(*) (CR.NO. 27 OF 2021)

For Petitioner : M/S.B.KUMARASAMY Advocate

For Respondent : MR.A.GOKULAKRISHNAN, Additional Public Prosecutor

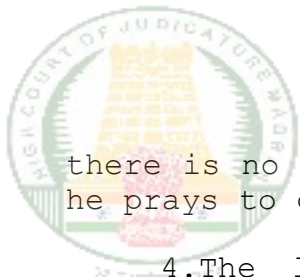
PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest for the alleged offence under Sections 406 & 417 of IPC and Section 4 of Women Harassment Act in **(*) (CR.NO. 27 OF 2021)** on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner and the defacto complainant had love affair and were living together subsequently, the parents of the first petitioner insisted him to leave the defacto complainant since, she was already a married woman and has children for which the first petitioner left the defacto complainant in the year 2017 and at that time of living with the first petitioner, the defacto complainant spend huge money on him and the money has not been recovered. Hence, 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 and they have been falsely implicated in this case. He further submits that there is exchange of notice between the petitioners and the defacto complainant that reveals that the defacto complainant is already a married women and has a female child and



there is no proof that she got divorce from her first husband. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor submits that the defacto complainant spend huge money on the first petitioner and yet the amount has not been recovered. He further submits that the petitioner left the defacto complainant under the pressure of his parents. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and that as per the exchange of notice between the parties reveals that there is some money transaction between the first petitioner and the defacto complainant which appears to be civil in nature, this Court is inclined to grant anticipatory bail to the petitioners.

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.I, Pollachi*, 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 first petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter, as and when required for interrogation and the other petitioners 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.

WEB COPY

-sd/-
09/11/2021

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.

(*) Amended and (**) two weeks time is extended to the petitioners to surrender and execute the sureties as ordered by this court, from the date on which, the order copy made ready as per order of this Court dated 21/01/2022 made in CRL.MP.NO.476/2022 IN CRL.OP.NO.20923/2021.

(**) Corrected copy to be substituted for the order already despatched on the 04/02/2022

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, POLLACHI.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S. B.KUMARASAMY Advocate on payment of necessary charges SR.NO.1044

CRL OP.20923/2021

Date :09/11/2021

CSK 16/11/2021

CSK 03/02/2022

CSK 16/02/2022