



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.21202 of 2021

1 S.SUDHAKAR
2 M.SUBBIAH

[PETITIONERS / ACCUSED]

Vs

STATE REP BY
THE INSPECTOR OF POLICE,
(*)ALL WOMEN POLICE STATION, PERUR
COIMBATORE DISTRICT.
(CRIME NO.18/2021)

[RESPONDENT]

For Petitioner : M/S.KA.RAAMAKRISHNAN Advocate

For Respondent : M/S.N.S.SUGANTHAN, Govt. Advocate (Crl. Side)
(DATED 11/11/2021)

: M/S.L.BASKARAN, Government Advocate (Crl.Side)
(DATED (28/02/2022)

For Intervener : M/S.L.MOULI, Advocate

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 Section 376(1) IPC in Cr.No.18 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant is a married women and has a male child and she got deserted from her husband. Thereafter, she had love affair with the first petitioner through social media and they both lived together and had sexual intercourse due to which, the defacto complainant become pregnant following which, the defacto complainant came to know that the first petitioner had some illegal affair with some other girls in the social media and when the same was questioned by her, the first petitioner along with his father/second petitioner threatened the defacto complainant with dire consequences. 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 the defacto complainant is already a married women and had illegal intimacy with the first petitioner and furthermore submits that the second petitioner had given a complaint against the defacto complainant to the Inspector of Police, Thoothukudi that the defacto complainant is threatening his son and his family members. Hence, he prays to grant anticipatory bail to the petitioners.

4.The learned Government Advocate submits that the first petitioner, on his false promise had sexual intercourse with the defacto complainant due to which she became pregnant and thereafter, the first petitioner refused to marry the defacto complainant. Hence, he opposed for granting anticipatory bail to the petitioners.

5. The learned counsel appearing for the Intervenor submits that the defacto complainant is 35 years old women and though she was already married and has one child, the first petitioner induced the defacto complainant to have sexual intercourse due to which she became pregnant. Hence, he vehemently opposed for granting anticipatory bail to the petitioners.

6. Considering the fact that first petitioner is 29 years old and the defacto complainant is 35 years old and both were major and on perusing the entire facts, it is like matrimonial issue between the parties. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

7.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 Additional Mahila Court, Judicial Magistrate Level, Coimbatore, Coimbatore 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 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;

(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/-

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.

[*]Amended as per order of this court dated 28/02/2022 made in Crl.MP.NO.1984/2022 in Crl.O.P.No. 21202/2021

TO

1 THE ADDITIONAL MAHILA COURT
JUDICIAL MAGISTRATE LEVEL, COIMBATORE
DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
(*)ALL WOMEN POLICE STATION, PERUR,
COIMBATORE DISTRICT.

5 THE INSPECTOR OF POLICE,
PERUR POLICE STATION,
COIMBATORE DISTRICT.

+1 CC to M/S.KA.RAAMAKRISHNAN Advocate on payment of necessary charges SR.NO.3027

CRL OP.21202/2021

Date :11/11/2021

TA-18/11/2021