



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2021

CORAM

WEB COPY

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.24156 of 2021

1.P.Jothiraj
2.J.Jayarani
3.J.Sinthanai Selvi

... Petitioners

Versus

The State Rep. by
The Inspector of Police,
All Women Police Station,
Thambaram, Chennai.
(Crime No.27 of 2021)

... Respondent

Prayer:- Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.27 of 2021 on the file of the respondent police.

For Petitioners : Mr.U.Kathiravan

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

This Criminal Original Petition is filed to enlarge the petitioners on bail in the event of their arrest in connection with Crime No.27 of 2021 on the file of the respondent police.

2.The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under sections 294(b), 417= and 420 IPC in Crime No.27 of 2021, seeks Anticipatory Bail.

3.The case of the prosecution is that A1 had given a false promise to marry the defacto complainant and refused to do so. When questioned by the defacto complainant, A1 along with the petitioners



had threatened the defacto complainant with filthy language. The defacto complainant tired to commit suicide and admitted in Rajiv Gandhi Hospital. Hence she had lodged a complaint before the Law Enforcing Agency against A1 and his family members.

4.The learned counsel appearing for the petitioners submits that the petitioners herein are the father, mother and sister of A1, who have nothing to do with the said offence. He further submits that the petitioners have not committed any such offence as alleged by the prosecution and they have been falsely implicated in this case, since they are the family members of A1. Hence, he prayed for grant of anticipatory bail to the petitioners.

5.The learned Additional Public Prosecutor submits that A1 in this case was arrested by the respondent police. However, he opposed for grant of anticipatory bail to the petitioners.

6.Considering the facts and circumstances of the case and also considering that A1 in this case was arrested. Both A1 and the defacto complainant are major and the petitioners herein are the family members of A1, this Court is inclined to grant anticipatory bail to the petitioners with the following conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate No.I, Tambaram on condition that the petitioners shall execute a bond for sum of Rs.10,000/- (Rupees Ten thousand only) with two sureties for a like sum each to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners are directed to appear before the respondent police as and when required.

[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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
14/12/2021

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.I, THAMBARAM.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMENS POLICE STATION,
THMBARAM, CHENNAI

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.U.KATHIRAVAN Advocate on payment of necessary charges

CRL OP.24156/2021

Date :14/12/2021

JPA 29/12/2021