



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.12.2021

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

CRL.O.P.No.25451 of 2021

1. C.Rajavel ...Petitioners
2. Arivazhagi
3. J.Jaihind

Versus

State Rep by ...Respondent
The Inspector of Police,
All Women Police Station,
Tiruvannamalai, Tiruvannamalai District.
(Crime No.34 of 2021)

Prayer:-Criminal Original Petition filed under Section 438 of the Code of Criminal Procedure seeking to enlarge the petitioners on anticipatory bail in the event of their arrest in Crime No.34 of 2021 pending investigation on the file of the respondent police.

For Petitioners : M/S.D.Vijay

For Respondent : Mr.N.S.Suganthan
Government Advocate (Crl. Side)

Order

The petitioners, who apprehends arrest for the alleged offences under Section 354(D), 417, 376(2)n and 506(i) of IPC in Cr.No.34 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant has lodged a complaint before the respondent police alleging that the 1st accused namely Nethaji promised the defacto complainant to marry her and had sexual intercourse. Further, it is alleged that the petitioners has restrained the accused/A1 from marrying the defacto complainant. Hence, the complaint.

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 petitioners are only close relatives of A1.



Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl. side) submits that A1 has promised the defacto complainant to marry her and had sexual intercourse. The petitioners are close relatives of the defacto complainant who were alleged to have restrained A1 from marrying the defacto complainant. Hence, he opposed for granting anticipatory bail to the petitioners.

5. Considering the facts and circumstances of the case and there is no serious allegations made against the petitioners and they are only the relatives of A1, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

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 Mahila Court, Tiruvannamalai**, 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 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 anticipatory 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/-
23/12/2021

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 MAHILA COURT,
TIRUVANNAMALAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUVANNAMALAI,
TIRUVANNAMALAI DISTRICT.

+3 CC to M/S.D.VIJAY Advocate on payment of necessary charges
SR.NO.15498

CRL OP.25451/2021

Date :23/12/2021

TA-03/01/2022