



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.12.2021

CORAM :

THE HON'BLE MR. JUSTICE B. PUGALENDHI

Cr1.O.P.No.25850 of 2021

1.Arunachallam  
2.Thirunavukarasu  
3.Murugesan  
4.Kalyani  
5.Valli  
6.Nallammal

... Petitioners

Vs.

State rep.by,  
Inspector of Police,  
All Women Police Station,  
Perambalur District.  
(Crime No.35/2021)

... Respondent

**PRAYER:** Criminal Original Petition filed under Section 438 of Criminal Procedure Code, 1973, praying to enlarge the petitioners on Bail in the event of their arrest in Crime No.35 of 2021 on the file of the respondent police.

For Petitioners : M/s.R.Rajasekar

For Respondent : Mrs.G.V.Kasthuri  
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 323, 417, 420 of IPC r/w Section 4 of Tamil Nadu Prohibition of Harassment of Women Act in Crime No.35 of 2021, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are accused Nos.2 to 6. The allegation as against the petitioners is that they are close relatives of A1 and A1 with a false promise to marry the de-facto complainant, has abused her and had sexual relationship. Hence, the complaint.



3.The learned counsel for the petitioners would submit that they are innocents and they did not commit any offence as alleged by the prosecution and in order to harass the petitioners, this case has been foisted against the petitioners.

4.The learned Additional Public Prosecutor submits that the de-facto complainant has stated that A1 not only abused the de-facto complainant but also received Rs.6,56,000/- from the de-facto complainant. She opposed to grant anticipatory bail to the petitioners.

5.This Court perused the First Information Report, as per the FIR, the age of the defacto complainant is 32 years and according to the learned counsel for the petitioners, the de-facto complainant is aged about 38 years. The allegation in the complaint is that A1 has promised to marry the de-facto complainant and had physical relationship with her. Even, according to the de-facto complainant, thrice she aborted the child and vague allegation has been made as if A1 has received a sum of Rs.6,56,000/-. Insofar as the petitioners are concerned, when the defacto complainant has approached them for arranging the marriage with A1, they have abused her in filthy language.

6. Considering the facts and circumstances of the case, the nature of allegations levelled against the petitioners, this Court is inclined to grant anticipatory bail to the petitioners.

7.Accordingly, the Criminal Original Petition is allowed. 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, Additional Mahila Court, Perambalur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners 1 to 3 shall report before respondent police daily at 10.30 a.m. until further orders and the petitioners 4 to 6 shall report before respondent Police as and when required.

[c]the petitioners shall not tamper with the 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 are 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 229-A IPC.

-sd/-

29/12/2021

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,  
ADDITIONAL MAHILA COURT, PERAMBALUR.

2 THE CHIEF JUDICIAL MAGISTRATE  
PERAMBALUR DISTRICT. [FOR INFORMATION]

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

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

+2 CC to M/S. R.RAJASEKAR Advocate on payment of necessary charges SR.NO.15700

CRL OP.25850/2021

Date :29/12/2021

RW 03/01/2022