



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 08/01/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.260 of 2021

K.Tamilarasan

... Petitioner

Vs

The State through
The Inspector of Police,
All Women Police Station,
Karur, Karur District.
(Crime No.25/2020).

... Respondent

For Petitioner : Mr.Arul Jenifer.A,
Advocate.

For Respondent : Mr.R.Srinivasan,
Government Advocate (Crl.Side)

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

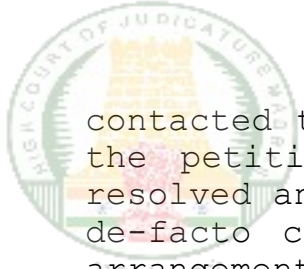
PRAYER :-

For Anticipatory bail in Crime No.25 of 2020 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417 and 420 of IPC, seeks anticipatory bail.

2.The case of the prosecution is that the de-facto complainant lodged a complaint stating that the petitioner herein and the de-facto complainant were classmates during 12th standard and through phone, they were regularly keep in contact with each other. The de-facto complainant is a B.E graduate and the petitioner is employed as fitter in the private company at Coimbatore. The petitioner had promised to marry her through phone message and were in constant touch. Suddenly, during September 2018, she received a Whatsapp message from the petitioner stating that his parents could not agree for their marriage. Thereafter, the de-facto complainant had



contacted the petitioner's father and informed the same. In reply, the petitioner's father stated that the issue would be amicably resolved and later, the petitioner had switched off his mobile. The de-facto complainant came to know that the petitioner was making arrangement for engagement with another person. Hence, the complaint was given and the same was taken as CSR No.500 of 2020. The petitioner and his father had appeared for enquiry on 08.11.2020 and given an undertaking that the petitioner would marry the de-facto complainant. Later, he failed to do so. Hence the complaint came to be registered.

3.The learned counsel for the petitioner would submit that the petitioner and the de-facto complainant were classmates and they were only in friendly terms and they were constantly exchanging messages. The petitioner was working in Coimbatore and the de-facto complainant is in Karur. He would further submit that there has been no other illegal relationship between the petitioner and the de-facto complainant. The de-facto complainant, on her own, construed that there was a love affair and insisted the petitioner to marry her. Thereafter, the petitioner was not interested in marrying the de-facto complainant.

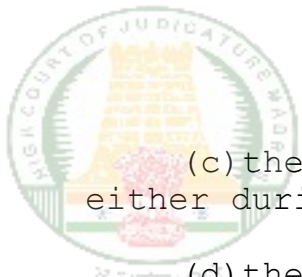
4.The learned Government Advocate (Crl. side) would submit that the de-facto complainant and the petitioner were in love with each other. The petitioner used to regularly talk through phone and sent messages and also visited at her place regularly and promised that he would marry her. He would further submit that the petitioner has given a undertaking that he will marry the de-facto complainant, later, he failed to do so and thereafter, the petitioner is now engaged to another lady.

5.Taking note of the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his 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, Karur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

(a)the petitioner 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 petitioner shall report before the respondent police as and when required for interrogation.



(c) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(d) the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1. THE JUDICIAL MAGISTRATE No.I, KARUR.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
KARUR DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KARUR, KARUR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER IN
CRL OP(MD) No.260 of 2021
Date : 08/01/2021