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CRL OP(MD). No.590 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 01/04/2021
PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.590 of 2021

Sudalai ... Petitioner/Accused No.1

Vs

State rep by
The Inspector of Police,
All Woman Police Station,
Tirunelveli District.
In Cr. No. 14/2020.

... Respondent/Complainant

For Petitioner : Mr.Susi Kumar.C,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.14 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A1, apprehending arrest at the hands of the respondent police for the offences punishable under Sections 417, 376, 294(b) and 506(i) of IPC, in Crime No.14 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant are close relatives and they had love affair between them. Thereafter, the petitioner on promise had physical relationship with the defacto complainant. Thereafter, he refused to marry her. Hence, the present complaint.

3.Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>



4. Earlier the matter was referred to mediation. From the Mediation Report, it is seen that the defacto complainant is continuously absent.

5. The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

6. The learned Government Advocate (Crl. Side) appearing for the respondent police submitted that the petitioner and the defacto complainant are close relatives.

7. On perusal of the materials available on records, it is seen that the petitioner and the defacto complainant are close relatives and they had love affair between them. It was agreed by the parents of the petitioner and the defacto complainant and marriage date was also decided. In the meanwhile, the petitioner had received a objectionable photograph of the defacto complainant with another person. Due to which, the marriage was cancelled.

8. Considering the facts and circumstances of the case and also considering the fact that there is no serious allegation against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tirunelveli, 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

01/04/2021

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/ /2021

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,
TIRUNELVELI
- 2 -DO- THRO THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT
- 3 THE INSPECTOR OF POLICE
ALL WOMAN POLICE STATION,
TIRUNELVELI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.590 of 2021

Date :01/04/2021

VB/SMA/SAR2/17/04/2021 : P3 : 5C