



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/01/2021

WEB COPY

PRESENT

The Hon'ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) No.344 of 2021

Sundar @ Sundaram

... Petitioner/Sole Accused

Vs

The State rep. by
The Inspector of Police,
All Women Police Station,
Thiruverumbur, Trichy District.
(Crime No.9/2017).

... Respondent/Complainant

For Petitioner : Mr.Balamurugan.R,
Advocate.

For Respondent : Mr.A.P.G. Ohm Chairma Prabhu,
Government Advocate (Criminal Side)

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

PRAYER :-

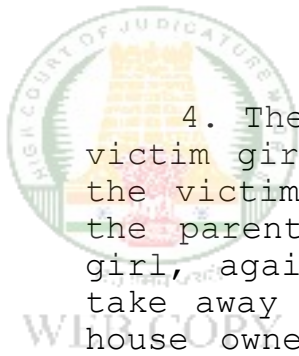
For Anticipatory Bail in Crime No.9/2017 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2.The petitioner/Accused, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections **(*)294(b) and 506(i),450, 366 IPC and Section 5(1) and 6 of the Protection of Children from Sexual Offences Act (POCSO Act 2012)**, in Crime No.9 of 2017, seeks anticipatory bail.

3. The case of the prosecution is that the defacto complainant and the petitioner loved each other and the petitioner had physical relationship with the defacto complainant and refused to marry her. Hence, a case has been registered.



4. The learned counsel for the petitioner would submit that the victim girl was a tenant in the petitioner's house. At that time, the victim and the petitioner had developed love affair and since the parents of the victim girl arranged marriage for the victim girl, against her wish, the victim girl forced the petitioner to take away her, otherwise, she will end her life. Due to this, the house owner and the tenant relationship got damaged. The advance amount of Rs.50,000/- given by the victim family /tenant was not returned. According to the petitioner, due to the above dispute, the above case has been lodged against the petitioner. The learned counsel for the petitioner would submit that at present the victim girl and the petitioner separated and they are leading their own life independently. Now the victim girl is having 1 ½ years old child and she is not interested in proceeding with the case against the petitioner.

5.The learned Government Advocate(Criminal Side), on instructions would submit that initially a complaint has been lodged by the victim girl and subsequently, it is stated that the petitioner and the victim girl separated and leading their own life independently. Investigation in this case has also been completed and charge sheet also filed and the same has been taken on file in Special S.C.No.70 of 2020 by the Mahila Court, Trichy.

6.Taking into consideration the facts and circumstances of the case and also taking note of the fact that the petitioner and the victim girl are separated and leading their own life independently and also taking into consideration the fact that the charge sheet has been filed, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. 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 Mahila Court,Trichy, 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
<https://hccservices.courts.gov.in/hccservices/> 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/-
25/01/2021

**(*) Amended as per order of this Court
dated 15.02.2021 in CRL.MP(MD)No.1159/2021
in CRL OP(MD)No.344 of 2021 by MNKJ.**

**Further two weeks time is granted to the
petitioner to comply with the conditions
imposed by this Court from the date of
receipt of a copy of this order as
last chance.**

/ TRUE COPY /

/ /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

(*) To be substituted with the order dated 25/01/2021 already despatched.

1. THE JUDGE,
MAHILA COURT, TRICHY.
2. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUVERUMBUR, TRICHY DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.



+1 CC to Mr.R.BALAMURUGAN, Advocate SR No.999

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VRN

SRS/JC/SAR-III/05.02.2021/4P/5C

VSG

TK/VR/SAR.4/19.02.2021/4P/5C

ORDER

IN

CRL OP (MD) No.344 of 2021

Date :25/01/2021