



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD). No.846 of 2021

R.Vijay

... Petitioner/Accused No.1

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Palayamkottai,
Tirunelveli City.
Crime No.27 of 2020.

... Respondent/Complainant

For Petitioner : Mr.M.Kannan, Advocate.

For Respondent : Mr.M.Chandra Sekaran,
Additional Public Prosecutor

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

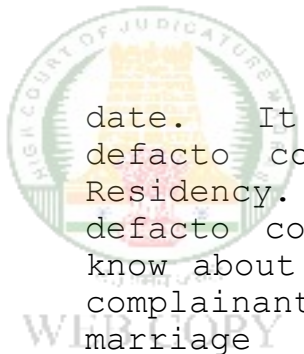
PRAYER :- For Anticipatory Bail in Crime No.27 of 2020 on the file of the Respondent Police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 294(b), 417, 420 and 506(i) of I.P.C. and Section 4 of Dowry Prohibition Act, in Crime No.27 of 2020 on the file of the respondent police, seeks anticipatory bail.

3. It is seen from the materials on record that the petitioner is arrayed as A1, who is pastor attached to the Assembly of God church. At that time, the petitioner came across the defacto complainant, who had registered herself as spinster and unmarried in Nithia Perinbam Matrimonial Service on 03.07.2016. Hence, the petitioner's family approached the defacto complainant's family for marriage. They arranged marriage between the first accused and the defacto complainant on 13.05.2020. Due to Covid-19 pandemic and



date. It is seen from the FIR that the petitioner called the defacto complainant to his native place and took her to Zion Residency. The petitioner had physical relationship with the defacto complainant. Thereafter, the petitioner's family came to know about the defacto complainant's previous marriage. The defacto complainant married one Christopher Regan on 17.09.2014. Their marriage was dissolved vide order dated 17.03.2020 in I.D.O.P.No.156 of 2019. Hence, the petitioner's family denied for the marriage.

4. In view of the above, I am inclined to grant anticipatory bail to the petitioner with certain conditions.

5. 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
05/03/2021

/ 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

1. THE JUDICIAL MAGISTRATE NO.I, TIRUNELVELI.

2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI, TIRUNELVELI CITY.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.M.KANNAN, Advocate (SR-1860[I] dated 08/03/2021)

ORDER

IN

CRL OP(MD) No.846 of 2021

Date :05/03/2021

IAS

MS/VR/SAR-4/09.03.2021/3P.6C