



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

Date : 11/02/2021

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PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD)No.1291 of 2021

Somasundaram

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
Thirukostiyur Police Station,
Sivagangai District.
Crime No.200 of 2020.

... Respondent/Complainant

For Petitioner : Mr.S.Kameswaran,
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.200 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 Section 420 of IPC., and Section 4 of Tamil Nadu Prohibition of Woman Harassment Act, 2002, in Crime No.200 of 2020, on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that on 20.12.2020, the petitioner has given the defacto complainant's husband name to the Family Welfare Officer, for family planning without knowledge of the defacto complainant and her husband and family planning was done. Due to the motive, the defacto complainant preferred the complaint before the respondent police. Hence, the case.



4. The learned counsel for the petitioner submits that the defacto complainant's husband voluntarily went to the Family Welfare Officer for family planning and after planning, he received all Government benefits and certificate from the concerned authority. The petitioner did not commit any offence, as alleged by the prosecution.

5. The learned Government Advocate (crl.side) appearing for the respondent Police, on instructions, would submit that on 20.12.2020, the petitioner has given the defacto complainant's husband name to the Family Welfare Officer, for family planning without knowledge of the defacto complainant and her husband and family planning was done.

6. It is seen that the petitioner is charged as though he had signed the consent letter for the defacto complainant to undergo family planning. The defacto complainant had received the benefits and privileges of the family planning. In fact, the Doctors had got the consent from the defacto complainant. The allegations seems to be motivated. In view of the same, 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 learned Judicial Magistrate, Tiruppathur, Sivagangai District. 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 daily at 10.30 a.m., for a period of two weeks and thereafter 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/-
11/02/2021

/ 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,
TIRUPPATHUR, SIVAGANGAI DISTRICT.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
SIVAGANGAI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
THIRUKOSTIYUR POLICE STATION,
SIVAGANGAI DISTRICT.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.1291 of 2021
Date :11/02/2021

MPK
TK/VR/SAR.2/16.02.2021/3P/5C