



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/02/2021

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PRESENT

The Hon'ble Mr. Justice M.NIRMAL KUMAR

CRL OP (MD) No.1382 of 2021

1. Panneerselvam
2. Thenmozhi
3. Muthuselvi

... Petitioners/Accused 2 to 4

Vs

The State Rep. by
The Inspector of Police,
All Women Police Station,
Srirengam,
Tiruchirappalli City,
Tiruchirappalli District.
Crime No. 2 of 2021.

... Respondent/Complainant

For Petitioners : Mr.Thiruvadi Kumar.A,
Advocate.

For Respondent : Mr.M.Chandrasekaran,
Additional Public Prosecutor

For Intervener : Mr.B.Jameel Arasu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.2 of 2021 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the
respondent police for the offences punishable under Sections 376(1),
294(b), 323, 506(i) in Crime No.2 of 2021 on the file of the
respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 in this case had love
affair with the defacto complainant, who is aged about 23 years old.
The first and second petitioners are parents of A1 and the third
petitioner is the sister of A1. On false promise of marriage, A1
had physical relationship with the defacto complainant, and
thereafter, refused to marry her. Hence, the present complaint.



3.The learned counsel appearing for the petitioners submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution and they have been falsely implicated in this case. Hence, he prayed for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side), appearing for the respondent police submitted that A1 in this case was arrested and investigation is pending.

5.It is seen that A1 and the defacto complainant loved each other and had physical relationship, and thereafter, he refused to marry her, for which the petitioners herein cannot be found fault with.

6.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate/Additional Mahila Court, Tiruchirappalli, Tiruchirappalli District, on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only)each 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 petitioners 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 petitioners shall appear 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 petitioners shall not tamper with evidence or witness either during investigation or trial;

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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/petitioners thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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sd/-
03/02/2021

/ 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 / ADDITIONAL MAHILA COURT,
TIRUCHIRAPPALLI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
TIRUCHIRAPPALLI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
SRIRANGAM, TIRUCHIRAPPALLI CITY,
TIRUCHIRAPPALLI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.1382 of 2021
Date :03/02/2021

GNS
TE/JC/SAR-IV : 17/02/2021 : 3P/5C