



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

Date : 11.08.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.2880 of 2021

Benil

... Petitioner/Accused No.1

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Nagarcoil.
In Crime No.60 of 2020

... Respondent/Complainant

For Petitioner : Mr.A.JOHN STEPHEN, Advocate

For Respondent : Mr.P.KOTTAI CHAMY,
Government Advocate (Crl.Side)

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

PRAYER :-

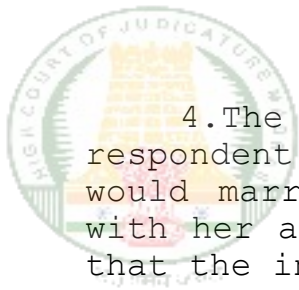
For Anticipatory Bail in Crime No.60 of 2020 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 376 IPC in Crime No.60 of 2020, seeks anticipatory bail.

2.The case of the prosecution is that at the instance of the petitioner's parents and the defacto complainant's parents, marriage was fixed between the petitioner and the defacto complainant. Defacto complainant is aged about 31 years. Before marriage, the petitioner has taken her to various places and on the promise of marriage, he had physical relationship with her. Now, the parents of the petitioner demanded more dowry and also they arranged marriage with another person. Therefore, the present case came to be registered.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has nothing to do with the alleged occurrence.



4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that on the pretext that the petitioner would marry the defacto complainant, he had physical relationship with her and thereafter, refused to marry her. He further submitted that the investigation is yet to be completed.

WEB COPY

5.Considering the facts and circumstances of the case and considering the nature of allegations levelled against the petitioner and though the case has been registered under Section 376 IPC, considering the age of the defacto complainant, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Additional Mahila Judge, Kanyakumari District at Nagercoil 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 learned Magistrate concerned and on further conditions 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police daily at 10.30 am., until further orders.

[c]the petitioner shall not tamper with the 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]**.

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
11/08/2021

/ 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 ADDITIONAL MAHILA JUDGE,
KANYAKUMARI DISTRICT AT NAGERCOIL.
- 2.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAGARCOIL.
- 3.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP (MD) No.2880 of 2021

Date :11/08/2021

SA/PN/SAR.2/18.08.2021/3P/4C