



WEB COPY

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

Date : 30/03/2021

PRESENT

The Hon`ble Mr.Justice M.NIRMAL KUMAR

CRL OP(MD) . No.4186 of 2021

1. Chandra
2. Gopi @ Gopalakrishnan ... Petitioners/Accused
(Rank Not Known)

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Manapparai, Trichy District.
Crime No. 5 of 2021.

... Respondent/Complainant

For Petitioners : Mr.M.Pitchai Muthu,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Crl.Side)

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

PRAYER :- For Anticipatory Bail in Crime No.5 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 294(b),
147, 376 and 506(i) of IPC, seek anticipatory bail.

2.The case of the prosecution is that the de-facto complainant
is the mother of the victim girl. The allegation against the
petitioners is that the second petitioner in this case on false
promise of marriage, had physical relationship with the victim girl
and thereafter, the second petitioner refused to marry her and the
first petitioner also arrange the marriage for the second petitioner
with another woman. Hence, the complaint.



3.The learned counsel appearing for the petitioners would submit that both are relatives and the petitioners are innocent. Due to wreck vengeance, the de-facto complainant lodged a false complaint against them.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that the second petitioner had loved the victim girl and promised to marry her and also having physical relationship with her. Thereafter, the second petitioner refused to marry her and hence, the mother of the victim lodged the present complaint.

5.This Court on an earlier occasion had enquired with the de-facto complainant as well as the petitioners. The de-facto complainant make some allegation against the petitioners, however, the petitioners gave explanation and the second petitioner is also ready for medical examination and he admits that the de-facto complainant is a relative and they were in talking terms, beyond that there is no relationship between them. This explanation seems to be probably genuine and on the enquiry with both, this Court is satisfied with the explanation. Hence, this Court is inclined to grant anticipatory bail to the petitioners.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the Judicial Magistrate, Manapparai, Trichy 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 report before the respondent police 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



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/-
30/03/2021

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

ORDER
IN
CRL OP(MD) No.4186 of 2021
Date : 30/03/2021

sjj
AE/SMA/ (07/04/2021) 3P / 5C