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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD).No.5610 of 2021

Renuga ... Petitioner/Petitioner /Accused No.2

Vs

State represented by
The Inspector of Police,
All Women Police Station,
Tuticorin.
(In Crime No.7/2021).

... Respondent/ Respondent

For Petitioner : Mr.Malaiyendran.V.,
Advocate.

For Respondent : Mr.M.Muthumanikkam,
Government Advocate (Crl.Side)

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

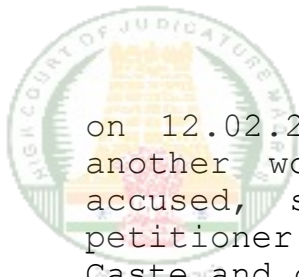
PRAYER :-

For Anticipatory Bail in Crime No.7/2021 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 Sections 376, 417 and 506(i) of I.P.C., in Crime No.7 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant believing the words of the first accused/Arputharaj @ Appatchi and on the promise given by him that he would marry her, had sexual relationship with him for more than ten times, during 2017 to 2018. He had also taken a video of their intimate relationship. On 06.02.2021, at night, he had sex. Later, the defacto complainant came to know that a marriage arrangement with some other woman and the first accused is being made. When, she asked the first accused about the marriage, he told that only if she gives Rs.50,00,000/- (Rupees fifty Lakhs only) as Dowry, he would marry her. When she asked the petitioner herein, who is the mother of the first accused,



on 12.02.2021, about the marriage between the first accused and another woman. After informing her relationship with the first accused, she pleaded for marriage with the first accused. The petitioner herein said to have ill-treated her by referring to her Caste and criminally intimidated her.

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3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and she is falsely implicated in this case and only to harass the petitioner, the defacto complainant had given this complaint. He further submitted that the first accused in this case was granted bail by the Vacation Sessions Judge, Thoothukudi, in Cr.M.P.No.2013 of 2021, on 11.05.2021. Therefore, he seeks anticipatory bail.

4.The learned Government Advocate (Criminal side) opposed this petition on the ground that the investigation is not completed.

5.Considering the aforesaid facts and the fact that it was the first accused, who had sexual relationship with the defacto complainant on the promise of marrying her and it appears that there is no allegation that the petitioner demanded dowry from the defacto complainant and also the fact that the first accused was released on bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, 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 Judicial Magistrate No.IV, Thoothukudi, 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 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., until further orders;

[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/Judicial 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/petitioner thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

Sd/-
28/06/2021

/ TRUE COPY /

/ /2021
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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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.IV, THOOTHUKUDI.
- 2.DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THOOTHUKUDI DISTRICT.
- 3.THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TUTICORIN.
- 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.5610 of 2021
Date : 28/06/2021

VB/PN/SAR.III/02.07.2021/3P/5C