



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

Date : 26/04/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD). No.5884 of 2021

G.Murugesan

... Petitioner/Accused

Vs

State Rep.by
The Inspector of Police,
Thalavaipuram Police Station,
Virudhunagar District.
Crime No.98/2021.

... Respondent/Complainant

For Petitioner : Mr.A.Balaji,
Advocate.

For Respondent : Mr.KR.Bharathi Kannan,
Government Advocate (Crl.Side)

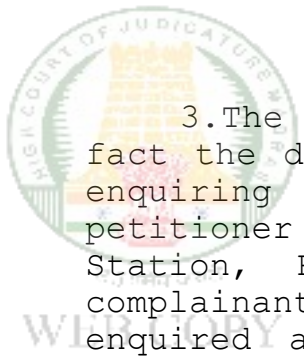
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No.98 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 376, 417 and 506(i) I.P.C., in Crime No.98 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.It is seen from the submission that the defacto complainant married one Aathilakshmanan in 2015 and they have a girl child. Subsequently, due to dispute, they were living separately. Having known to the situation of the defacto complainant, this petitioner started to move close relationship with her and on promise to get divorce from her husband, he had sexual relationship with her. As a result, she got conceived and the petitioner made arrangement for abortion. In this circumstance, the defacto complainant came to know that the petitioner was trying to marry some other woman. When she enquired him about that, the petitioner started avoiding the defacto complainant and then criminally intimidated her. Therefore, this case came to be registered.



3.The learned counsel for the petitioner would submit that in fact the defacto complainant initially filed a complaint and after enquiring the same, it was closed by the respondent police. The petitioner has also filed a complaint before All Women Police Station, Rajapalayam on 28.11.2020 alleging that the defacto complainant threatening the petitioner. The said complaint has been enquired and closed in C.S.R.No.578 of 2020. Subsequently, the petitioner has sent a representation to the higher officials through post on 29.01.2021. The learned counsel further submitted that the petitioner is an innocent and the allegations against the petitioner are also false. The petitioner is falsely implicated in this case. Hence, he seeks anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the respondent police would submit that the investigation is pending.

5.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) appearing for the respondent police.

6.Considering the facts and circumstances of the case and the fact that the defacto complainant has willingly submitted that she is having close relationship with the petitioner and also the fact that the petitioner had first given complaint to the police about the role of the defacto complainant in their unholy relationship, this Court is inclined to grant anticipatory bail to the petitioner.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance before the learned Judicial Magistrate, Rajapalayam, within a period of fifteen days from the date of receipt of a copy of this order, on his executing 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 said Magistrate 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 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/-

26/04/2021

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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, RAJAPALAYAM.
2. DO-THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILIPUTTUR.
3. THE INSPECTOR OF POLICE,
THALAVAIPURAM POLICE STATION, VIRUDHUNAGAR DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER

IN

CRL OP(MD) No.5884 of 2021

Date :26/04/2021

MSA

MS/PN/SAR-3/13.05.2021/3P.5C