



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

Thursday, the Sixth day of May Two Thousand and Twenty One

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PRESENT

The Hon`ble Mrs.Justice S.ANANTHI

CRL OP(MD) . No.6525 of 2021

Rani

... Petitioner/Accused No.2

Vs

State Rep.by,
The Inspector of Police,
All Women Police Station,
Srivilliputhur, Virudhuangar District.
Crime No.7/2021

... Respondent/Complainant

For Petitioner : M/s.Senthil Kumar.B.,
Advocate.

For Respondent : Mr.A.Robinson,
Government Advocate (Crl.Side)

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

PRAYER :-

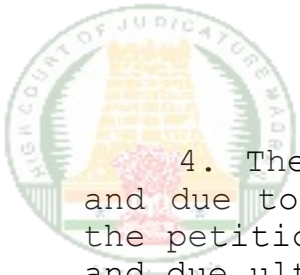
For Anticipatory Bail in Crime No.7/2021 on the file of the respondent police.

ORDER : The Court made the following order :-

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

2. The petitioner apprehending arrest at the hands of the respondent police for the offences punishable under sections 417, 376 and 506(i) of I.P.C., in Crime No.7 of 2021 on the file of the respondent police, seeks anticipatory bail.

3. The case of the prosecution is that the first accused had sexual intercourse with the defacto complainant on promise to marry her. The petitioner is the mother of A1. Hence, the present complaint.



4. The learned counsel for the petitioner is the mother of A1 and due to irreconcilable differences and incompatible temperament, the petitioner's marriage was collapsed and she is living separately and due ulterior motive, the present complaint is lodged.

5. The learned Government Advocate (Crl. Side) submitted that there is no specific overt act against the petitioner.

6. Since the petitioner is mother of A1 and except the offence under Section 506 (ii) of IPC, all other offences are bailable offences, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her 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, Srivilliputhur, 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 to 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 on every Monday 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/ 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]**; and;

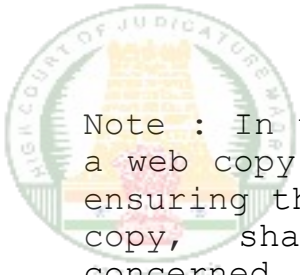
(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
06/05/2021

/ 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.

WEB COPY

TO

- 1 THE JUDICIAL MAGISTRATE,
ADDITIONAL MAHILA COURT, SRIVILLIPUTHUR.
- 2 THE CHIEF JUDICIAL MAGISTRATE
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, SRIVILLIPUTHUR,
VIRUDHUANGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.6525 of 2021
Date :06/05/2021

IAS
CSL/VR/SAR-I/18.05.2021 : 3P/5C