



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

Date : 17/06/2021

PRESENT

The Hon`ble Mr.Justice G.CHANDRASEKHARAN

CRL OP(MD)No.7366 of 2021

1. C.Gandhi
2. G.Panjavarnam
3. R.Andichi

... Petitioners/Accused Nos.2 to 4

Vs

State Rep. by
The Inspector of Police,
All Women Police Station,
Aruppukottai, Virudhunagar District.
(In Crime No.5 of 2021).

... Respondent/Complainant

For Petitioner : Mr.Malaikani.S,
Advocate.

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

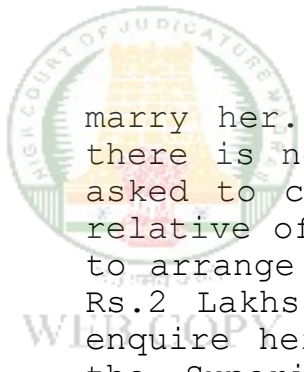
PETITION FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C

PRAYER :- For Anticipatory Bail in Crime No. 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 alleged offences punishable under Sections 376, 417, 109, 506(i) IPC and Section 4 TNPWH Act in Crime No.5 of 2021, seek anticipatory bail.

2.The case of the prosecution is that the first accused developed friendship with the defacto complainant and then, on the promise of marrying her, he had physical relationship with her on several times. As a result, the defacto complainant got conceived and A1 compelled her to abort the fetus by stating that they can have baby after marriage. Therefore, the defacto complainant consumed tablet given by A1 and fetus got aborted. Later, she found that there was an arrangement of A1's marriage with some other woman and when she asked about the same, A1 scolded her in filthy language and stated that for the proposed marriage, bride side family would give Rs.1 Lakh cash and 50 sovereigns of gold and if she is prepared to give dowry, he would marry her, otherwise he could not



marry her. Therefore, she gave complaint on 29.11.2020, however, there is no action taken on that complaint. On 06.12.2020, she was asked to come police station for enquiry. One Gandhi, who is the relative of A1, present in the Police Station told that he was going to arrange marriage of his daughter with A1 and he promised to give Rs.2 Lakhs to one Ramu. The police has not taken proper steps to enquire her complaint. Then, she gave complaint on 07.12.2020 to the Superintendent of Police, Virudhunagar District against the accused in this case.

3.The learned counsel for the petitioners submitted that the petitioners are innocent persons and they are no way involved in the alleged offence committed by A1. He further submitted that the first petitioner herein is the relative of A1, the second petitioner is the wife of the first petitioner and the third petitioner is the mother of A1. He also submitted that the only allegation made against the petitioners is that they supported the action of A1 and hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate(Crl.side) appearing for the respondent police opposed this petition on the ground that investigation is pending.

5.Reading of FIR shows that the main accused in this case is A1 Prabakaran. The first and second petitioners are relative of A1 and the third petitioner is mother of A1. They had no direct role in the alleged promise of marriage given by A1 to marry the defacto complainant and his failure to marry her, after having physical relationship with her. Therefore, this Court is of the considered view that the custodial interrogation of these petitioners is not necessary. 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Aruppukkottai 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 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 respondent police daily at 10.30 am., until further orders.



[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.

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[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 have been imposed and the petitioners 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/-

17/06/2021

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

ORDER

IN

CRL OP(MD) No.7366 of 2021

Date :17/06/2021

GNS

JM/PN/SAR IV/23.06.2021/3P/5C