



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 27/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.10792 of 2021

1. Mukilan @ Aravinthan
2. Gunasekaran
3. Shanthi

... Petitioners/Accused
No.1 to 3

Vs

State Rep.by
The Inspector of Police,
Thiruverumbur All Women Police Station,
Trichy District.
(Crime No.12 of 2021).

... Respondent/Complainant

For Petitioners : M/s.Arunprasad.A, Advocate.

For Respondent : M/s.E.Antony Sahaya Prabahar,
Government Advocate(Crl.Side)

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

PRAYER :-

For Anticipatory bail in Crime No.12 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 417 and 420 I.P.C, in Crime No.12 of 2021 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the first petitioner conducted before that with the defacto complainant's daughter on 25.01.2021 at Vegoor Sambava Moorthy Temple and fixed their marriage



on 22.02.2021. Whiles, the defacto complainant's daughter came to know that the first petitioner is having relationship with one Senthamil Kaniyai. Hence, her parents stopped the marriage and lodged this complaint.

3. The learned counsel for the petitioners would submit that the first petitioner is not having relationship with anyone as alleged by the prosecution. He further submitted that since the defacto complainant's daughter did turn up for marriage, the first petitioner got married with his uncle's daughter.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police submitted that investigation in this case yet to be completed and prayed for dismissal of this petition.

5. Taking into consideration the facts and circumstances of the case and the nature of allegations, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, this Criminal Original Petition is allowed and 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 learned Additional Mahila Court, Trichy, 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 learned Judge concerned and on further conditions that:

(a) the petitioners and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Judge may obtain a copy of their Aadhaar 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 the 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 Judge/ 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 are released on bail by the learned Judge/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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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Sd/-
27/08/2021

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

TO

1. THE ADDITIONAL MAHILA COURT,
TRICHY.
2. THE INSPECTOR OF POLICE,
THIRUVERUMBUR ALL WOMENS POLICE STATION,
TRICHY DISTRICT.
3. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.10792 of 2021
Date :27/08/2021

SP/JC/SAR II/07/09/2021/3P/4C