



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

Date : 12/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9804 of 2021

Vijay @ Ramaiah

... Petitioner/Sole Accused

Vs

The State Rep. by,
The Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukkottai District.
(Crime No.6 of 2021).

... Respondent/Complainant

For Petitioner : Mr.P.T.RAMESH RAJA, Advocate for
Mr.M.Rajarajan, Advocate.
For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)
For Intervener : Mr.Vanchinathan, Advocate

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

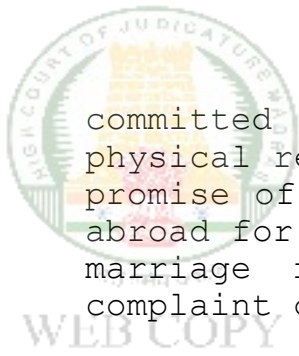
PRAYER :-

For Anticipatory Bail in Crime No.6 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 alleged offence punishable under Sections 294(b), 417, 376 and 506(i) I.P.C in Crime No.6 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.According to the prosecution, the defacto complainant is aged about 26 years and also a neighbour to the petitioner. The petitioner and the defacto complainant moved very closely for nearly 13 years. On 14.11.2016, the petitioner in the absence of her parents, gave a chocolate to the defacto complainant and after consuming the same, she got fainted. Without her knowledge, he



committed rape on her. After this incident, the petitioner had physical relationship with the defacto complainant by giving a false promise of marriage. In the year 2018, the defacto complainant went abroad for job and since the parents of the petitioner are arranging marriage for the petitioner with another women, she lodged a complaint on 25.06.2020.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution and the petitioner is also willing to cooperate with the investigation.

4.The learned Government Advocate (Crl.Side) appearing for the respondent submitted that the custodial interrogation is required to find out the truth. Hence, he prayed for dismissal of this petition.

5.Considering the nature of the offence, the age of defacto complainant and the fact that the complaint was lodged after four years from the alleged occurrence, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions. Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirumayam, 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 learned Magistrate concerned and on further conditions that:

(a)the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity;

(b)the petitioner shall report before the respondent policed daily at 10.30 am., until further orders.

(c)the petitioner shall not tamper with the 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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
12/08/2021

WEB COPY

/ 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.

TO

1. THE JUDICIAL MAGISTRATE,
THIRUMAYAM.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMAYAM,
PUDUKKOTTAI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.9804 of 2021
Date :12/08/2021

ias
USK/VR/SAR-I : 19/08/2021 : 3P/5C