



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 03/08/2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.9921 of 2021

J.Jinish

... Petitioner/Sole Accused

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Marthandam,
Kanyakumari District.
Crime No. 33/2021.

... Respondent/Complainant

For Petitioner : Mr.Herold Singh S.C.,
Advocate.

For Respondent : Mr.P.Kottai Chamy,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 33/2021 on the file of
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 section 376 of
I.P.C., in Crime No.33 of 2021 on the file of the respondent police,
seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant's
husband is working as driver under the petitioner. The petitioner
used to take him for work and send him out of station. By using the
absence of defacto complainant's husband, the petitioner had
physical relationship with her and now insisting her to live with
him. Hence, the present complaint.



3.The learned counsel for the petitioner submitted that the defacto complainant is aged about 28 years, who is a married woman and having two children. The husband of the defacto complainant was disengaged from the work by the petitioner. In order to wreck vengeance of the same, the present complaint has been lodged.

4.The learned Government Advocate (Crl. Side) opposed this petition on the ground that the investigation is yet to be completed, however admits that the witnesses have been examined.

5.The defacto complainant claims that the petitioner had physical relationship with her in the absence of her husband but the date of occurrence is not mentioned in the complaint. This complaint appears to have been lodged, when her husband was disengaged by the petitioner.

6.Considering the facts and circumstances of the case, the allegations levelled against the petitioner, 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 on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Kuzhithurai, 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 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 Aadhaar card or bank pass book to ensure their identity;

[b]the petitioner shall report before the respondent police, daily 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]**;

[f]If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

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

IAS

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 NO.I
KUZHITHURAI
- 2 DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE
KANYAKUMARI DISTRICT AT NAGERCOIL
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, MARTHANDAM,
KANYAKUMARI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/S.S.C.HEROLD SINGH,Advocate(SR-5061[I]dated 04/08/2021)

ORDER
IN
CRL OP(MD) No.9921 of 2021
Date :03/08/2021

PKP/VR/SAR-3/18/08/2021/3P/6C