



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

Date : 25/08/2021

PRESENT

The Hon'ble Mr. Justice B. PUGALENDHI
CRL OP (MD) . No.10535 of 2021

Varatharajan

... Petitioner/sole Accused

Vs

State Rep. by
The Inspector of Police,
Lalgudi All Women Police Station,
Trichy District.
(Crime No.18/2021)

... Respondent/Complainant

For Petitioner : Mr.K.Sivabalan
Advocate.

For Respondent : Mr.T.Senthilkumar,
Government Advocate (Crl.Side)

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

PRAYER :-

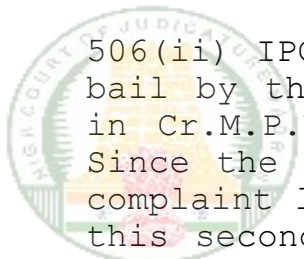
For Anticipatory Bail Crime No.18 of 2021 on the file of the
Respondent Police.

ORDER : The Court made the following order :-

The petitioner/sole accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 420, 506(i) IPC @ 417, 420, 376 (I) IPC, in Crime No.18 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the defacto complainant loved each other and out of the relationship, the petitioner received a sum of Rs.50,000/- and 3 ½ sovereigns gold jewels from the defacto complainant. While so, the petitioner had sexual relationship with the defacto complainant, recorded it in the cell-phone and threatened the victim. However, he has now proposed to marry another girl. Hence, the case.

3.The learned counsel for the petitioner submits that the defacto complainant is aged about 26 years and she earlier lodged a complaint in Crime No.110 of 2021 on the file of the Samayapuram Police Station against this petitioner on the very same set of facts without any reference about the physical relationship and the same was registered for the offence under Sections 147, 294(b), 354 and



506(ii) IPC on 26.03.2021. This petitioner was granted anticipatory bail by the Principal District and Sessions Judge, Tiruchirappalli in Cr.M.P.No.1328 of 2021 on 15.04.2021 in Crime No.110 of 2021. Since the petitioner had obtained anticipatory bail in the earlier complaint lodged by the defacto complainant in Crime No.110 of 2021, this second complaint is lodged as if this petitioner had physical relationship with the defacto complainant on 16.06.2021.

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4.Considering the age of the defacto complainant, the earlier complaint lodged by her in Crime No.110 of 2021, wherein, there is no allegation about physical relationship and granting of anticipatory bail by the Principal District Sessions Judge, Trichy, this Court is inclined to grant anticipatory bail to the petitioner.

5.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, Lalgudi, Trichy District, 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 police as and when required for interrogation.

(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;

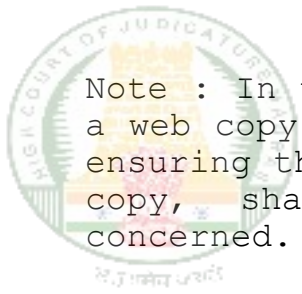
(f)if the accused/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
25/08/2021

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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.

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TO

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

CRL OP(MD) No.10535 of 2021
Date :25/08/2021

SB/SKN/SAR-II/09.09.2021/ 3P 5C