



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 11.08.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11150 of 2021

M.Prapakaran ... Petitioner/Sole Accused

Vs

State through
The Inspector of Police,
Kuruvikulam Police Station,
Tenkasi District.
(Crime No.84 of 2021).

... Respondent/Complainant

For Petitioner : Mr.K.Jeyamohan

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

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

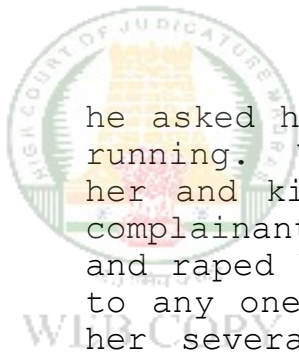
PRAYER :-

For Anticipatory Bail in Crime No.84 of 2021 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 376 and 506(i) IPC in Crime No.84 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant married one Marimuthu in 2016. Due to matrimonial dispute, she approached the petitioner/accused, who is an Advocate, for getting divorce from her husband. Accordingly, the petitioner/accused filed a divorce petition in Sankarankovil Court. He is also running a Xerox shop and he used to call the defacto complainant to his shop <https://hservices.easys.com.in/hservices>. During new year on 2020, at about 11.00 am.,



he asked her to come to his shop stating that Xerox machine is not running. When she came to the shop, he was all alone. He embraced her and kissed her. He promised to marry her. When the defacto complainant refused for the same, he closed the shutter of the shop and raped her. He also threatened her if she reveals this incident to any one, she would face dire consequences and continued to rape her several times. On 25.03.2021, when the defacto complainant requested him to marry her, he refused to marry her. At about 03.30 pm., on the same day, when she was walking near Keelaalagunachiyapuram junction, the accused came there and scolded her in filthy language that if she comes to the house, he would kill her. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has nothing to do with the alleged case of the prosecution.

4.The learned Government Advocate(Crl.side) appearing for the respondent police submitted that the earlier petition for anticipatory bail filed by the petitioner was dismissed on 06.07.2021 and this is the second anticipatory bail petition. He further submitted that investigation is yet to be completed.

5.It is seen that the defacto complainant is a M.Com graduate and aged about 33 years. The alleged occurrence was taken place in January, 2020, for which, the complaint was preferred only on 26.03.2021. Considering the age, qualification of the defacto complainant, the delay in lodging the complaint and also considering the nature of allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

6.Accordingly, this criminal original petition is allowed and 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, Sankarankovil, 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 Magistrate may obtain a copy of their Aadhaar card or bank pass book to ensure their identity.

[b]the petitioner shall report before respondent police as and when required.

[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]**.

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

sd/-
11/08/2021

/ TRUE COPY /

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

GNS

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, Sankarankovil.

2.Do through
The Chief Judicial Magistrate,Tirunelveli.

3.The Inspector of Police,
Kuruvikulam Police Station,
Tenkasi District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.PRABHU, Advocate (SR-5351[I] dated 12/08/2021)

ORDER IN
CRL OP(MD)No.11150 of 2021
Date : 11.08.2021

TR/VR/SAR-II (19.08.2021) 3P 6C