



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24.08.2021
PRESENT

WEB COPY

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11420 of 2021

Muthukrishnan

... Petitioner/Sole Accused

Vs

The State rep.by,
The Sub-Inspector of Police,
All Women Police Station, Aruppukottai,
Virudhunagar District.
(Crime No.7 of 2021)

... Respondent

For Petitioner : Mr.R.Alagumani, 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.7 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 and 376 IPC in Crime No.7 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant, who is aged about 33 years, and the petitioner were in love with each other for the past 10 years. The petitioner was working in Tiruppur. He used to come during holidays. When he comes home, he used to meet the defacto complainant at neem grove. On 13.03.2021, at about 11.00 pm., he had sexual relationship with her under a neem tree against her wish and inspite of her resistance. The defacto complainant on 01.05.2021 came to know that the petitioner is searching for a bride. When she was asking him about the same, he denied and asked two months time for marrying her. But he did not take any action in that regard. She again demanded on 20.05.2021 to marry her, he told her that his mother is not accepting for their marriage. Hence, the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated



4. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondent police.

5. Considering the nature of offence and the age of the defacto complainant, 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, Aruppukottai, 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 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]**.

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

sd/-

24/08/2021

/ 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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1 THE JUDICIAL MAGISTRATE,
ARUPPUKOTTAI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT.

3 THE SUB INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ARUPPUKOTTAI,
VIRUDHUNAGAR DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.R.ALAGUMANI, Advocate (SR-5669[I] dated 25/08/2021)

ORDER

IN

CRL OP(MD) No.11420 of 2021

Date :24/08/2021

GNS

MK/VR/SAR.I/06.09.2021/3P/6C