



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24.08.2021

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PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.11368 of 2021

1.SRM.Vadivelu

2.V.Kalaranai

... Petitioners/Accused Rank not known

Vs

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

... Respondent/Complainant

For Petitioners : Mr.M.Rajarajan for
M/s.Gayathiri

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.6 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners, who apprehends 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, seek anticipatory bail.

2.According to the prosecution, the defacto complainant is aged about 26 years and also a neighbour to the petitioners. The first accused and the defacto complainant moved very closely for nearly 13 years. On 14.11.2016, the first accused 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

<https://hccourtindia.org/cases>



physical relationship with the defacto complainant by giving a promise of marriage. In the year 2018, the defacto complainant went abroad for job and since the petitioners herein, who are the parents of the first accused, arranging marriage for their son with another woman, she lodged a complaint on 25.06.2020.

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3.The learned counsel for the petitioner submits that the petitioners are innocent and they have been falsely implicated in this case. He further submitted that this Court granted anticipatory bail to the first accused in Crl.O.P.(MD)No.9804 of 2021 on 12.08.2021 and hence, he prayed for anticipatory bail to the petitioners.

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

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 petitioners.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate Court, Thirumayam, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each with two sureties each for a like sum to the satisfaction of the learned Magistrate concerned and on further conditions that:

(a)the petitioners 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 petitioners shall report before the respondent police as and when required.

(c)the petitioners shall not tamper with the evidence or witness either during investigation or trial.

(d)the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-
24/08/2021

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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
THIRUMAYAM, PUDUKKOTTAI .
 - 2.DO THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKKOTTAI
 - 3.THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, THIRUMAYAM,
PUDUKKOTTAI DISTRICT.
 - 4.THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MASDRAS HIGH COURT, MADURAI.
- +1. CC to M/S.RAJARAJAN.M Advocate SR.No.5638

ORDER
IN
CRL OP(MD) No.11368 of 2021
Date :24/08/2021

RK/SKN/SAR-II (09.09.2021) 3P 6C

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