



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 31/08/2021

PRESENT

The Hon'ble Mr.Justice B.PUGALENDHI

CRL OP(MD). No.12241 of 2021

MUTHUKUMAR

... PETITIONER/2ND ACCUSED

VS

THE STATE REP. BY,
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NANGUNERI, TIRUNELVELI DISTRICT.
CRIME NO.15 OF 2021.

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.N.Adhithya Vijayalayan,
Advocate.

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

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

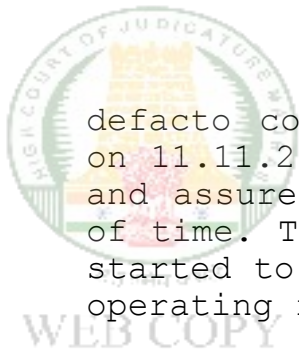
PRAYER :-

For Anticipatory Bail in Crime No.15 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A2 apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 376 and 506(i) I.P.C, in Crime No.15 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant who is aged about 24 years had a love affair with the petitioner's son who is the first accused in this case. On 10.11.2021, the first accused gave some juice, after consuming the same, the defacto complainant became unconscious and by utilizing the same, he had physical relationship with her. After regaining consciousness, the



defacto complainant quarrelled with the first accused. Thereafter, on 11.11.2020, he took her to a temple and tied a thali on her hand and assured that he will tie thali on her neck within a short span of time. Thereafter, the first accused got a job in TANGEDCO and he started to avoid the defacto complainant. This petitioner is not co-operating for their marriage. Hence, the complaint.

3.The learned counsel for the petitioner submits that the petitioner is an innocent, he has not committed any offence as alleged by the prosecution, but he has been falsely implicated in this case.

4.The learned Government Advocate (Crl.Side) appearing for the respondent, on instructions, would submit that the investigation is yet to be completed.

5.Considering the facts and circumstances of the case and the nature of allegation levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.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, Nanguneri, 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 Judge 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 Judge/ 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 Judge/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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
31/08/2021

WEB COPY

/ 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.

TO

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

ORDER
IN
CRL OP(MD) No.12241 of 2021
Date :31/08/2021

msa
USK/JM/SAR-III/14.09.2021/3P/5C