



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 28/09/2021

PRESENT

**The Hon`ble Mr.Justice B.PUGALENDHI**

**CRL OP(MD) . No.12692 of 2021**

Muthuselvan

... Petitioner/1ST Accused

Vs

State rep.by  
The Inspector of Police,  
All Women Police Station,  
Nanguneri,  
Tirunelveli District.  
(Crime No.15 of 2021)

... Respondent/Complainant

For Petitioner : M/s.Venkatesh.D, Advocate.

For Respondent : M/s.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/A1, who apprehends arrest at the hands of the respondent Police, for the offence punishable under Sections 417, 376 and 506(i) IPC, in Crime No.15 of 2021, on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner and the victim girl loved each other and on 10.11.2020, the petitioner took the victim girl to a paddy field near Esakki Amman Temple on account of celebrating the birthday of the victim girl's sister and gave her some juice and cake. After consuming the same, the victim girl became unconscious and utilizing the said situation, he had sexual intercourse with her. When the victim girl quarrelled for the same,



he promised her that he will marry her. After some time, the petitioner got a job in the Electricity Board, after which, he refused to marry her. Hence, the complaint.

3. The learned counsel for the petitioner submits that the victim girl is a neighbour and the petitioner had not at all had any love affair with the victim girl. Now, the petitioner got a job in TANGEDCO, hence, the present motivated complaint has been foisted. The learned counsel for the petitioner further submits that the occurrence took place on 10.11.2020, but, the complaint was made only on 18.08.2021. Therefore, there was a delay of one year in lodging the complaint, which shows the intention of the victim either to marry him by threat or to get amount from him. Hence, he prayed for grant of anticipatory bail.

4. The learned Government Advocate (Crl. Side) submits that the investigation is yet to be completed.

5. Considering the facts and circumstances of the case and the nature of allegations levelled against the petitioner and age of the parties, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the Criminal Original Petition is allowed. The petitioner is directed 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, Nanguneri, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five 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 the respondent police daily at 10.30 a.m. 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 is 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.

WEB COPY

Sd/-  
28/09/2021

/ TRUE COPY /

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

OGY

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 learned Judicial Magistrate,  
Nanguneri.
2. Do-Through The Chief Judicial Magistrate,  
Thirunelveli 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.12692 of 2021  
Date :28/09/2021

SP/VR/SAR I/04/10/2021/3P/5C