



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 28.09.2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD)No.14032 of 2021

Sivakumar ... Petitioner/Accused No.I

Vs

State Rep by
The Inspector of Police,
All Women Police Station,
Thanjavur.
[Cr.No.6 of 2021]

... Respondent/Complainant

For Petitioner : M/s.P.Ganapathi Subramaniam,
Advocate.

For Respondent : Mr.T.Senthilkumar,
Additional Public Prosecutor

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 petitioner apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 420 and 506(i) IPC in Crime No.6 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the *defacto* complainant loved each other and on a promise to marry her, he had intercourse with her. She also gave him 7 sovereigns of her gold jewels. Her request for marrying her was rejected by the parents of the petitioner stating that the petitioner was having relationship with another girl. Hence the complaint.

3.The learned counsel for the petitioner submitted that the petitioner is an innocent and he has not committed any offence as alleged by the prosecution. Further co-accused has been granted anticipatory bail by the Court of Sessions.



4.The learned Additional Public Prosecutor submitted that the petitioner and the defacto complainant are aged about 25 years and they loved each other. The investigation is yet to be completed.

5.Considering facts and circumstance of the case, the nature of allegations levelled against the petitioner, the age of the parties and the grant of anticipatory bail to the co-accused, 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, Additional Mahila Court, Thanajvur 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 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/-
28/09/2021

/ TRUE COPY /

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

dsK



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,
Additional Mahila Court, Thanjavur.
- 2.Do-Through The Chief Judicial Magistrate,
Thanjavur District at Kumbakonam.
- 3.The Inspector of Police,
All Women Police Station,
Thanjavur.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER IN
CRL OP(MD) No.14032 of 2021
Date : 28.09.2021

TR/JC/SAR-III(01.10.2021) 3P 5C