



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 26/10/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice B.PUGALENDHI

CRL OP(MD) . No.16230 of 2021

1.Kasiyammal
2.Venkatraman
3.Govinthan
4.Nondichamy

... Petitioners/Accused
Nos.3 to 6

Vs.

State rep.by
The Inspector of Police,
All Women Police Station,
Thirupathur,
Sivagangai District.
(Crime No.12/2021)

... Respondent/Complainant

For Petitioners: M/s.Santhanam Rajesh Kumar.B.,
Advocate.

For Respondent : M/s.P.Kottaichamy,
Government Advocate (Crl.Side)

For Intervenor : M/s.Rajiv Rufus, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2021 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners, who are arrayed as A3 to A6, apprehending arrest at the hands of the respondent police for the offences punishable under sections 376, 354 (c), 313, 294(b), 506(i) IPC and 67 (A) of Information Technology Act, in Crime No.12 of 2021 on the file of the respondent police, seek anticipatory bail.



2.The case of the prosecution is that the defacto complainant and the first accused belong to the same village and both of them loved each other. Thereafter, the first accused got employment in abroad and left from that place in the year 2018. After coming from abroad, he had sexual intercourse with the *de-facto* complainant with a promise to marry her and subsequently, she got pregnant. Thereafter, the *de-facto* complainant asked A1 to marry her and the same was refused by A1. Therefore, when the *de-facto* complainant informed the same to the petitioners, they abused her with filthy language and also threatened her with dire consequences. Hence, the case has been registered.

3.The learned counsel appearing for the petitioners submitted that A1 has already been arrested and remanded to judicial custody. The petitioners are mother, brothers and uncle of the first accused and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side), on instructions, submitted that the *de-facto* complainant, who is aged about 23 years. The *de-facto* complainant and the first accused loved each other and also they lived as husband and wife. Thereafter, the *de-facto* complainant asked A1 to marry her and the same was refused by A1 and the petitioners abused the *de-facto* complainant with filthy language and also threatened her with dire consequence.

5.Considering the above facts and circumstances of the case and also considering the fact that the the *de-facto* complaint is aged about 23 years and they loved each other, 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 on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Thirupathur, Sivagangai District, on condition that the petitioners 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 petitioners 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 petitioners shall report before respondent police as and when required for interrogation;

[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]**.

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

Sd/-

26/10/2021

/ TRUE COPY /

/ /2021

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

vsd

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

ORDER

IN

CRL OP(MD) No.16230 of 2021

Date :26/10/2021