



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 06/12/2021

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.ILANGOVAN

CRL OP(MD) . No.17715 of 2021

1. Perumal

2. Solaiyammal ... Petitioners/Accused No.2 & 3

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station,
Aundipatti,
Theni District.
(Cr.No.13/2021)

... Respondent/Complainant

For Petitioner : M/s.Susi Kumar C,
Advocate.

For Respondent : Mr.S.Manikandan,
Government Advocate (crl Side)

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

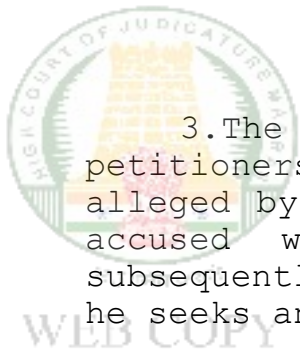
PRAYER :-

For Anticipatory bail in Crime No.13 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners/Accused No.2 & 3 who apprehend arrest at the hands of the respondent police for the offence punishable under sections 417, 294(b), 376 and 506(i) of IPC, in Crime No.13 of 2021, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on 10.02.2020, the first accused had sexual intercourse with the defacto complainant by giving false promise that he will marry her and thereafter, continued that relationship. Due to which, the defacto complainant got pregnancy. But, the first accused refused to marry her. Hence, this complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the first accused was arrested and remanded to judicial custody and subsequently, he was released on bail by the Sessions Court. Hence, he seeks anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that the first accused was arrested and remanded to judicial custody and subsequently, was released on bail by the District & Sessions Court, Theni, in Crl.MP.No.3975 of 2021, dated 29.11.2021. He would further submit that as per the First Information Report, a specific allegation that has been made against the petitioners is that they threatened the victim and the main allegation against the first accused is that he refused to marry her and when that was brought to the notice of the petitioners, they were threatened her.

5.In view of the submission made by the learned Additional Public Prosecutor, the charges under Section 376 IPC does not attract, against these petitioners.

6.Considering the facts and circumstances of the case and also considering the fact that the co-accused was already released on bail by the Sessions Court, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, the petitioners are ordered to be released on bail, on executing a personal 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 Judicial Magistrate, Aundipatti, and on further condition that the petitioners shall report before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C scrupulously.

sd/-
06/12/2021

/ TRUE COPY /

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

DSS

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.

<https://hcservices.ecourts.gov.in/hcservices/>



TO

1. The Judicial Magistrate,
Aundipatti.
2. Do-Through The Chief Judicial Magistrate,
Theni District.
3. The Inspector of Police,
All Women Police Station, Aundipatti,
Theni District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

ORDER

IN

CRL OP(MD) No.17715 of 2021

Date :06/12/2021

RD/PN/SAR-III (13.12.2021) 3P 5C