



WEB COPY

(CRL OP(MD). No.17936/2021)

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 18/11/2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD) . Nos.17936 and 17947 of 2021

Rajkumar

... Petitioner/1st Accused
(CRL OP(MD) . No.17936/2021)

1.Ammavasai
2.Rajamani
3.Chinnarasu

... Petitioners/Accused
Rank Not Known
(CRL OP(MD) . No.17947/2021)

Vs

The State rep.by
The Inspector of Police,
T.Ramanathapuram Police Station,
Madurai District.
(Cr.No. 72 of 2021).

... Respondent/Complainant
(in both petitions)

For Petitioner : Mr.S.MUNIYANDI, Advocate
for Mr.N.VENKATESH, Advocate
In Crl.OP(MD) No.17936/2021

For Petitioners : Mr.S.MUNIYANDI, Advocate
In Crl.OP(MD) No.17947/2021

For Respondent : Mr.SS.MADHAVAN,
Government Advocate (Crl.Side)
In Both Petitions

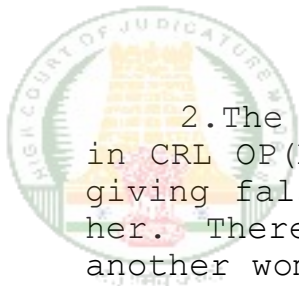
PETITIONS FOR ANTICIPATORY BAIL Under Sec.438 of Cr.P.C.

COMMON PRAYER :- For Anticipatory Bail in Crime No. 72 of 2021 on the file of the respondent Police.

COMMON ORDER : The Court made the following common order :-

The petitioners/Accused, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 147, 294(b), 417, 376 and 506(i) IPC, in Crime No. 72 of 2021, seek anticipatory bail.

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2.The case of the prosecution is that the petitioner/1st accused in CRL OP(MD). No.17936/2021 and one Chitra loved each other and by giving false promise, the first accused had sexual intercourse with her. Thereafter, the first accused performed the marriage with another women. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioner/A1 in CRL OP(MD).No.17936/2021 is innocent and he has not committed any offence as alleged by the prosecution.

4.The learned counsel for the petitioners would submit that the petitioners in CRL OP(MD).No.17947/2021 are innocent and they have not committed any offence as alleged by the prosecution. He would further submit that the petitioners are only the relatives of the first accused and they have no connection whatever in the alleged occurrence.

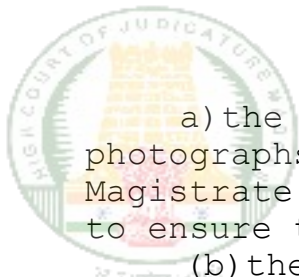
5.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the first accused and the defacto complainant loved each other and having physical relationship for the past 6 years and that subsequently the first accused had married one Soundarya.

6. Admittedly, the first petitioner in Crl.OP(MD)No.17947/2021 is the father and the petitioners 2 and 3 are the brothers of the first accused/petitioner in Crl.OP(MD)No.17936/2021.

7.Considering the seriousness and gravity of the alleged offence and also the fact that the investigation is not yet completed, this Court is not inclined to grant anticipatory bail to the first accused. Accordingly, the CRL OP(MD).No.17936/2021 is dismissed.

8.Considering the nature of the charges levelled against the petitioners in CRL OP(MD).No.17947/2021 and also the fact that the petitioners are not having any previous case for serious offences as stated by the learned Government Advocate (Crl.Side), this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

9. Accordingly, CRL OP(MD).No.17947/2021 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 Additional Mahila Court, Madurai, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties, each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or 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 Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioners shall report before the respondent police daily at 10.30 am for a period of one month and thereafter, as and when required for interrogation.

(c) the petitioners shall not tamper with 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 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]***; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-

18/11/2021

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/ /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 ADDITIONAL MAHILA JUDGE,
MADURAI.

2 THE INSPECTOR OF POLICE,
T.RAMANATHAPURAM POLICE STATION,
MADURAI DISTRICT.

3 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1. CC to M/S.S.MUNIYANDI, Advocate SR.No.8248

ORDER IN

CRL OP(MD).Nos.17936 & 17947 of 2021
Date :18/11/2021

SA/VR/SAR.1/24.11.2021/3P/5C

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