



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 17.12.2021
PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.20173 of 2021

Venkatesh @ Venkatesan

... Petitioner/Accused No.2

Vs

The State represented by
The Inspector of Police,
All Women Police Station,
Virudhunagar District.
(Crime No.17 of 2021)

... Respondent/Complainant

For Petitioner : Mr.M.JEGADEESH PANDIAN
Advocate.

For Respondent : Mr.RMS.SETHURAMAN
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.17 of 2021 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioner/A.2, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417, 376(2)(n), 90, 323, 506(1) and 509 IPC altered into Sections 417, 376(2)(n), 90, 326, 506(i), 509, 354(c) and 201 IPC and Section 4 of Tamil Nadu Prohibition of Women Harassment Act, in Crime No.17 of 2021 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the first accused on false promise of marrying the victim girl had sexual relationship with her, thereafter, refused to marry her and threatened her that he will send her nude photos to his friends. Due to that, the victim girl contacted the first accused's father/present petitioner and told that his son cheated her and requested to arrange marriage with the first accused, for which, the petitioner said to have abused the de-facto complainant in filthy language. Hence, this complaint.

3.This is the second petition for anticipatory bail and the earlier petition filed by the petitioner was dismissed as withdrawn by this Court on 25.11.2021 in CrI.O.P.(MD)No.17849 of 2021.

4.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has not committed any offence as alleged by the prosecution.



5.The learned Additional Public Prosecutor appearing for the respondent would submit that the first accused and the de-facto complainant were in love with each other. The de-facto complainant sent a photograph to the present petitioner, who is the father of the first accused seeking his consent for marriage and at that time, the petitioner had abused the de-facto complainant in filthy language. He would further submit that the first accused was already arrested and is in judicial custody.

6.Considering the above and also the nature of the charges levelled against the petitioner and also the facts that the main accused is in judicial custody and that the petitioner is not having any previous cases serious offences, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.II, Virudhunagar, 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 learned 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. for thirty days and thereafter, as and when required for interrogation.

(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]**; and;

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

sd/-

17/12/2021

/ TRUE COPY /

/ /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 JUDICIAL MAGISTRATE NO.II, VIRUDHUNAGAR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.
- 3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHUNAGAR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER

IN

CRL OP(MD) No.20173 of 2021

Date :17/12/2021

SA/VR/SAR.3/22.12.2021/3P/5C