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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2022

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.786 of 2022

M.Ilamvazhuthi

... Petitioner

Vs.

The State Rep.by
the Inspector of Police,
All Women Police Station,
Mayiladuthurai,
Mayiladuthurai District.
Crime No.58 of 2021

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C.,
praying to enlarge the petitioner on Anticipatory bail in the event of
his arrest by the respondent police in Crime No.58 of 2021 on the file
of the respondent police.

For Petitioner : M/s.E.Kannadasan

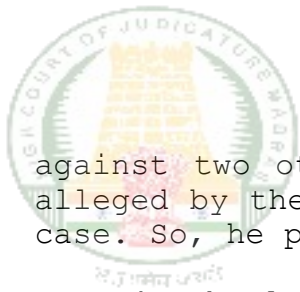
For Respondent : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

The petitioner, who apprehends arrest at the hands of the
respondent police for the alleged offences punishable under Sections
417, 354, 376, 506 (i) of IPC in Crime No.58 of 2021, on the file of
the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant
lodged a complaint before the Respondent Police stating that the
petitioner gave false promise to marry her and had sexual relationship
forcibly with the defacto complainant and abused her with filthy
language. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the
petitioner is innocent and the defacto complainant alone proposed to
marry him, later came to know that she gave these sort of complaints



against two other persons, he has not committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. So, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner made a false promise that he will marry the defacto complainant and had sexual relationship with her and abused her with filthy language and threatened her with dire consequences. Hence, he vehemently opposed for grant of anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also both of them are M.A. graduates and already she gave same sort of complaint against two persons, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate-I, Mayiladuthurai, on condition that the petitioner shall execute a 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 respondent police or the police officer who intends to arrest or 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 Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(b) the petitioner shall report before the respondent police on Saturday at 10.30 a.m., for a period of four weeks and thereafter, as and when required for an interrogation;

(c) the petitioner shall not tamper with 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 accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

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-sd/-
12/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
NO.I, MAYILADUTHURAI .

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION].

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
MAYILADUTHURAI DISTRICT

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S E.KANNADASAN Advocate on payment of necessary charges

CRL OP.786/2022

Date :12/01/2022

JPA 21/01/2022