



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.02.2022

CORAM:

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

Cr1.O.P.No.2370 of 2022

WEB COPY

Anand

... Petitioner

Vs.

The State Represented by
The Inspector of Police,
All Women Police Station,
Mayiladuthurai District.
(Crime No.56 of 2021)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest by the respondent police concerned in crime No.56 of 2021, on the file of the respondent Police.

For Petitioner : Mr.Thamarai Selvan

For Respondent : Mr.L.Baskaran

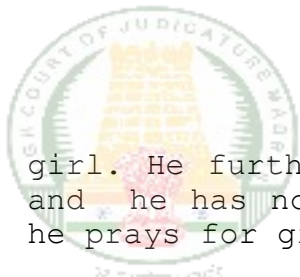
Government Advocate (Cr1. Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 417, 420, 341, 352, 376 of IPC in Crime No.56 of 2021, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that there was a love affair between the petitioner and the defacto complainant. Further, the petitioner had sexual intercourse with the defacto complainant. Thereafter, the petitioner had refused to marry the defacto complainant. Hence, the complaint.

3. The learned counsel appearing for the petitioner submits that the petitioner and the defacto complainant were in love with each other, the parents of the defacto complainant refused to accept them because of the community, thereby, the petitioner married another



girl. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.side) appearing for the respondent opposed for granting anticipatory bail by stating that the petitioner had sexual relationship with victim girl under the guise of marrying her, later, he married another girl.

5. On seeing the fact that both the petitioner and the defacto complainant were in love with each other and both are aged about more than 34 years and there was a dispute with regard to money transaction between them.

6. Considering the facts and circumstances of the case and also considering the submissions made by both counsel and also the fact that the petitioner being a Government employee, if he released on bail, he may not abscond, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is ordered to be released on bail on his executing 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 Judicial Magistrate No.I, Nagapattinam, 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 is directed to deposit a sum of Rs.1,00,000/- (Rupees One Lakh only) to the credit of Crime No.56 of 2021 before the learned Judicial Magistrate No.I, Nagapattinam, within a period of fifteen (15) days from the date of receipt of a copy of this order;

[c] the petitioner shall report before the respondent police on every Saturday at 10.30 a.m., for a period of two months and thereafter as and when required for an interrogation;

[d] the petitioner and the defacto complainant are directed to appear before the Mediation, Nagapattinam District on five sittings;

[e] the petitioner shall not tamper with evidence or witness either during investigation or trial;



[f] the petitioner shall not abscond either during investigation or trial;

[g] 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 has been imposed and the petitioner is 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;

[h] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-
18/02/2022

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, NAGAPATTINAM.

2 THE CHIEF JUDICIAL MAGISTRATE
NAGAPATTINAM [FOR INFORMATION].

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

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
NAGAPATTINAM.



6 THE ASSISTANT REGISTRAR,
TAMILNADU MEDIATION AND CONCILIATION CENTRE,
HIGH COURT, MADRAS

WEB COPY +1 CC to M/S.R.THAMARAI SELVAN Advocate on payment of necessary
charges SR.NO.2645

CRL OP.2370/2022

Date :18/02/2022

JPA 24/02/2022