



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Second day of April Two Thousand Twenty Two

PRESENT

The Hon`ble Dr Justice G. JAYACHANDRAN

CRIMINAL ORIGINAL PETITION No.9298 of 2022

1 SAM DONALD [PETITIONERS / ACCUSED]
2 ABRAHAM RANGAN

Vs

STATE REP BY [RESPONDENT]
INSPECTOR OF POLICE,
AWPS, BHAVANI,
ERODE DISTRICT.
CRIME NO.8 OF 2022.

For Petitioners : M/S. M.JAIKUMAR Advocate

For Respondent : MR.S.SANTHOSH, Govt. Advocate (Crl. Side)
[CRL.O.P.NO.9298/2022]

MR.S.UDAYA KUMAR, Govt. Advocate (Crl. Side)
[CRL.M.P.NO.7088/2022]

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under **(*)Sections 312, 376(1) and 417 of IPC**, in Crime No.8 of 2022, on the file of the respondent police, seek anticipatory bail.

2. It is alleged that the 1st petitioner promising the de facto complainant to marry her had sexual relationship and impregnated twice. Later at the aid of the 2nd petitioner, the fetus was aborted in the month of August, 2017 and December, 2017. Later, the 1st petitioner went for higher studies to Pune and after returning, he refused to marry her. Hence, the complaint in Crime No.8 of 2022 had been filed.



3. Further, the 1st petitioner is the son of the 2nd petitioner. The learned counsel for the petitioners would state that no doubt the 1st petitioner had affair with the de facto complainant, but, other allegations like impregnating the de facto complainant during the month of August and December, 2017 is false and further, there was no promise to marry her. In fact, the 1st petitioner had taken his higher course in Biblical teaching and not interested in marrying the de facto complainant. Hence, a false complaint has been lodged.

4. Considering the facts as narrated in the complaint and found in the medical certificate of the de facto complainant, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of seven days from the date of receipt of a copy of this order, before the Learned Judicial Magistrate, Bhavani on condition that each of the petitioners shall execute a separate bonds for a sum of Rs.50,000/- (Rupees Fifty 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 condition that:

(a) if the petitioners failed to surrender before the concerned Magistrate within a period of 7 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the petitioners 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;

(c) the petitioners shall report before the Investigating Officer daily at 10.30 a.m., for the next thirty days and co-operate with the investigation;

(d) the petitioners shall not tamper with evidence or witness either during investigation or trial;

(e) the petitioners shall not abscond either during investigation or trial;

(f) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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;



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

-sd/-
22/04/2022

WEB COPY
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.

(*)AMENDED AS PER ORDER OF THIS COURT DATED 08/06/2022 MADE IN CRL.MP.No.7088 OF 2022 IN CRL.O.P.NO.9298 OF 2022

TO

1 THE JUDICIAL MAGISTRATE,
BHAVANI.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
AWPS, BHAVANI,
ERODE DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1 CC to M/S. M.JAIKUMAR Advocate on payment of necessary charges SR.NO.8727

CRL OP.9298/2022

Date :22/04/2022

JPA 29/04/2022

JPA 14/06/2022