



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Eighteenth day of May Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.11326 of 2022

1 RAGHUL [PETITIONERS / ACCUSED]
2 NILAVARASAN @ BOOPATHY

Vs

STATE REP BY [RESPONDENT]
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL, NAMAKKAL DISTRICT.
(CRIME NO. 17 OF 2022)

For Petitioner : M/S. W.CAMYLES GANDHI Advocate

For Respondent : A.DAMODARAN, ADDL. PUBLIC PROSECUTOR

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 offences punishable under Sections 366, 376, 294(b) & 506(i) of IPC in Crime No.17 of 2022, seek anticipatory bail.

2. The case of the prosecution is that the defacto complainant and the first petitioner are graduated. Both are living in a same locality. The defacto complainant was working in Manapuram Gold Finance. During the said course of time, the first petitioner travelled in the same bus and developed a friendship with the defacto complainant. Later, both of them proposed love to each other. On 10.05.2018, he informed to the defacto complainant that he is intended to marry her, pursuant to which they went to Kolli hills and stayed in the same room, where they had sexual relationship. Later in January 2021, when she asked to marry her, he along with second accused attacked her and she was also threatened by them with dire consequences. Thereafter she came to know that the first petitioner married another girl on 23.03.2022. Hence, the complaint.



3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submit that the first petitioner and the defacto complainant were only friends during the relevant point of time and the after four years, a false complaint has been given. Hence, the learned counsel prays to grant anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the first petitioner had physical relationship with the victim girl on the pretext of marriage and thereafter refused to marry her and also arranged marriage with other girl. He would further submit that insofar as the second petitioner is concerned, he is the uncle of the first petitioner and he helped the first petitioner to marry other girl.

5. It is seen that the first petitioner had love affair with the victim girl and had physical relationship with her on the pretext of marriage. After having physical relationship with the victim girl, thereafter he refused to marry her. Now, he arranged marriage with other girl. Therefore, the first petitioner committed very serious and heinous offence against the victim girl. Insofar as the second petitioner is concerned, he is the uncle of the first petitioner and had not played any role in the occurrence except helping the first petitioner to get married with the other girl.

6. Considering the above facts and circumstances, this Court is inclined to grant anticipatory bail to the second petitioner alone with certain conditions. As far as the first petitioner is concerned, this petition is dismissed.

7. Accordingly, the second petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate-I, Namakkal on condition that the second 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, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the second petitioner 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 second petitioner shall report before the respondent police daily at 10.30 a.m. for a period of four weeks and thereafter as and when required for interrogation.

[c] the second petitioner shall not tamper with evidence or witness either during investigation or trial.



[d] the second 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 second petitioner in accordance with law as if the conditions have been imposed and the second 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].

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
18/05/2022

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 JUDICIALMAGISTRATE NO.I,
NAMAKKAL.

2 THE CHIEF JUDICIAL MAGISTRATE,
NAMAKKAL DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
NAMAKKAL, NAMAKKAL DISTRICT.

4 THE PUBLIC PROSECUTOR,
HIGH COURT, MADRAS.

+1 CC to M/S. W.CAMYLES GANDHI Advocate on payment of necessary charges Sr.7125

CRL OP.11326/2022

Date :18/05/2022