



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Ninth day of June Two Thousand Twenty Two

PRESENT

The Hon`ble Mr Justice G.K. ILANTHIRAIYAN

CRIMINAL ORIGINAL PETITION No.12916 of 2022

D.TAMILSELVEN

[PETITIONER / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARAPURAM,
TIRUPUR DISTRICT.
CRIME NO.11/2022.

[RESPONDENT]

For Petitioner : M/S.P.KALIMUTHU Advocate

For Respondent : MR.A.DAMODARAN, Additional Public Prosecutor,

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

ORDER : The Court Made the following order :-

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 417 and 376 of I.P.C. in Crime No.11 of 2022, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner is the sole accused. The de-facto complainant had love affair with one Tamil Selvan, who is the petitioner herein and living in the same street of de-facto complainant and they used to meet and talk in petitioner's house. While so, on 23.03.2021, the petitioner promised the de-facto complainant that he would marry her after getting Government Job and he had sexual relationship with her. Thereafter, the de-facto complainant got pregnant. De-facto complainant's parents arranged marriage with one Kumaravenkatesh without knowing that she is pregnant and the petitioner did not come forward to marry her. After her marriage, on 12.04.2022, she gave birth to a female child in a private hospital. Therefore, the de-facto complainant filed a complaint before the respondent police against the petitioner.



3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. Therefore, he prays to grant anticipatory bail to the petitioner.

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4. The learned Additional Public Prosecutor appearing for the respondent submitted that, even according to the de facto complainant, both had physical relationship. Due to misunderstanding, they got separated and the de facto complainant married another person and also gave birth to a female child. It seems, that the petitioner had consensual relationship with the victim, and hence he vehemently opposed to grant anticipatory bail to the petitioner.

5. Considering the above facts and circumstances of the case, and that the custodial interrogation of the petitioner is not essential, 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 days from the date on which the order copy made ready, before the learned Judicial Magistrate, Dharapuram, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood related 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 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 petitioner shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter as and when required for 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]**.



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

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-sd/-
09/06/2022

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,
DHARAPURAM.

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
DHARAPURAM,
TIRUPUR DISTRICT.

CC to M/S. P.KALIMUTHU Advocate on payment of necessary charges

CRL OP.12916/2022

Date :09/06/2022

TA-23/06/2022