



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 25/04/2022

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PRESENT

The Hon`ble Mr.Justice K.MURALI SHANKAR

CRL OP(MD). No.5032 of 2022

Dhineshkumar

... Petitioner/1st Accused

Vs

The State rep.by,
The Inspector of Police,
All Women Police Station,
Alangudi,
Pudukottai District.
(Crime No.3/2022)

... Respondent/Complainant

For Petitioner : MR.S.Poornachandran,
Advocate.

For Respondent : Mr.R.Sivakumar,
Government Advocate (Crl.Side)

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

PRAYER :-For Anticipatory Bail in Crime No.3 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/accused No.1, who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 376(1), 294(b), 323, 417 and 496 IPC, in Cr.No.3 of 2022, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner and the de-facto complainant loved each other for the past one year and the petitioner had sexual intercourse with her on two occasions. As a consequence, she got pregnant and when the same was intimated to the petitioner, he has refused to marry her. For which, the complainant lodged a complaint and during enquiry, the petitioner accepted to marry her and on 09.02.2022, the petitioner brought her to Sivan Temple and tied a thaali, at that time, there was a wordy quarrel between the parties, the petitioner's family members abused the complainant in filthy language. Hence, the complaint.



3.The learned counsel for the petitioner would submit that the petitioner and the victim girl are close relatives, that they were in love with each other and that they had physical relationship.

4.When the matter is taken up for hearing today, the learned counsel for the petitioner has filed an undertaking affidavit sworn by the petitioner as well as the parents of the petitioner, wherein, they have stated that the petitioner had agreed to marry the de-facto complainant after she attains marital age as well as the parents of the petitioner also given an undertaking that they will arrange the marriage for their son with the victim girl, when she attains marital age.

5.The learned Government Advocate (Crl.Side) appearing for the respondent would submit that the medical examination of both the petitioner as well as the victim girl was already over and that the investigation is almost completed except the receipt of the medical report.

6.Considering the facts and circumstances of the case and also the facts that the medical examination was already over and that the petitioner is not having any bad antecedents, this Court is inclined to grant anticipatory bail to the petitioner, but with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Alangudi, on condition that the petitioner shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) with two sureties, each for a like sum to the satisfaction of the respondent Police or to 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 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 am for a period of one month 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]***; and;

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

sd/-

25/04/2022

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/ /2022

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

TO

1 THE JUDICIAL MAGISTRATE,
ALANGUDI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE,
PUDUKOTTAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION, ALANGUDI,
PUDUKOTTAI DISTRICT.

4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to MR.S.POORNACHANDRAN, Advocate (SR-3780[I] dated 25/04/2022)

ORDER

IN

CRL OP(MD) No.5032 of 2022

Date :25/04/2022

SJI

MK/VR/SAR.IV/29.04.2022/3P/6C