



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 08/09/2022
PRESENT

The Hon`ble Mrs.Justice R.THARANI

CRL OP(MD). No.11128 of 2022

1. Sathaiah
2. Lalitha

... Petitioners/Accused 2&3

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Ramnad, Ramnad District.
Crime.No.10 of 2022.

... Respondent/Complainant

For Petitioners : M/s. Venkatesh D,
Advocate.

For Respondent : Mr.M.Vaikkam Karunanithi,
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No. 10 of 2022 on the file of the Respondent police.

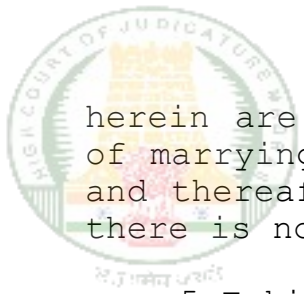
ORDER : The Court made the following order :-

The petitioners/A2 and A3, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417,376 and 506(i) of IPC and Section 4 of TNPHW Act, in Cr.No.10 of 2022, seek anticipatory bail.

2.The case of the prosecution is that A1 on false promise of marrying the defacto complainant had sexual intercourse and thereafter refused to marry her, hence the case came to be registered.

3.On the side of the petitioners, it is stated that no such occurrence said to have taken place and the petitioners herein are the parents of A1. He would further submit that the victim is a widow and she is elder than the first accused. He would also submit that intention of the victim is to marry A1 under threat, hence they seek anticipatory bail.

4.On the side of the prosecution, it is stated that totally there are three accused involved in the offence and the petitioners



herein are A2 and A3. It is further stated that A1 on false se of marrying the defacto complainant had sexual intercourse with her and thereafter refused to marry her. It is also further stated that there is no previous case against the petitioners.

5. Taking into consideration the facts and circumstances of the case and also considering the fact that the major allegations are against A1 and the fact that the petitioners herein are parents of A1, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6. Accordingly, this petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No. I, Ramnad on condition that the petitioners shall execute a bond for a sum of Rs.10,000/- (Rupees Ten thousand only) each 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 am for a period of two weeks and thereafter, as and when required for interrogation.

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

(iv) the petitioners shall be present before the Court on hearing dates and before the respondent police as and when required;

(e) 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;

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

sd/-

08/09/2022

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/09/2022

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



TO

1. THE JUDICIAL MAGISTRATE NO.I,
RAMNAD.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, RAMNAD,
RAMNAD DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.D.VENKATESH, Advocate (SR-9880[I] dated 12/09/2022)

ORDER
IN
CRL OP(MD) No.11128 of 2022
Date :08/09/2022

aav
USK/SBN/SAR-I/14.09.2022/3P/6C