



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

( Criminal Jurisdiction )

Date : 30/06/2022

PRESENT

**The Hon`ble Mr.Justice G.ILANGO VAN**

**CRL OP(MD) . No.11639 of 2022**

1. Mohamed Mustafa  
2. Mydeen Zalika

... Petitioners/Accused  
No.2 and 3

Vs

State rep.by  
The Inspector of Police,  
Alangulam All Women Police Station,  
Alangulam, Tenkasi District.  
(Crime No.14/2022).

... Respondent/Complainant

For Petitioners : M/s.Venkatesan K, Advocate.

For Respondent : Mr.B.Thanga Aravindh,  
Government Advocate (Crl.Side)

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

PRAYER :-

For Anticipatory Bail in Crime No.14/2022 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioners/A2 and A3, apprehending arrest at the hands of the respondent Police for the offence under Sections 147, 417, 376 and 506(i) of IPC, In Crime No.14 of 2022, on the file of the respondent Police, seek anticipatory bail.

2.The case of the prosecution is that the petitioners are the parents of A1. A1 had sexual intercourse with the defacto complainant with a false promise to marry her. The defacto complainant had continued the physical relationship with A1 on belief that A1 will marry her. Thereafter, the defacto complainant informed the petitioners about their relationship and the same was refused by them. Hence the complaint.



3.The learned counsel for the petitioners submitted that the occurrence said to have taken place in the year 2018. Thereafter, the defacto complainant continued the physical relationship with A1. However, the petitioners are not aware of the same. He further submitted that during the course of investigation, the petitioner has appeared before the enquiry officer and gave statement to that effect that the petitioners' son/A1 was running grocery shop in Bangalore for about 2 ½ years and he has to come to the enquiry occasionally and no objection for his son to marry the victim girl and the same was recorded on 16.04.2022. He further submitted that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he prayed for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl. Side) appearing for the respondent Police submitted that the statement of the victim girl was recorded under Section 164 Cr.P.C. During the course of the above statement, it is stated that A1 had sexual intercourse with the defacto complainant with a false promise to marry her and thereafter, A1 refused to marry her.

5.Considering the facts and circumstances of this case and also considering the fact that the petitioners have no objection for his son A1 to marry the victim girl, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, this Criminal Original Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or on their appearance, before the learned Judicial Magistrate, Ambasamudram, 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 learned Magistrate concerned and the petitioners shall appear before the respondent police daily at 10.30 a.m. until further orders. The petitioners shall comply with the condition stipulated under Section 438 Cr.P.C. Scrupulously.

7.The petitioners shall appear before the concerned Magistrate within a period of 15 days from the date on which the order copy made ready, failing which, the petition for anticipatory bail stands dismissed.

Sd/-  
30/06/2022

/ TRUE COPY /

/ /2022  
Sub-Assistant Registrar (C.S.I)  
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,  
AMBASAMUDRAM.
  2. -DO- THROUGH  
THE CHIEF JUDICIAL MAGISTRATE,  
TIRUNELVELI DISTRICT.
  3. THE INSPECTOR OF POLICE,  
ALANGULAM ALL WOMEN POLICE STATION,  
ALANGULAM, TENKASI DISTRICT.
  4. THE ADDITIONAL PUBLIC PROSECUTOR,  
MADURAI BENCH OF MADRAS HIGH COURT,  
MADURAI.
- +1. CC to M/S.VENKATESAN K Advocate SR.No.6403

ORDER  
IN  
CRL OP(MD) No.11639 of 2022  
Date :30/06/2022

SP/PN/SAR I/11/07/2022/3P/6C