



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 24/08/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN

CRL OP(MD) . No.13892 of 2022

Eswaran

... Petitioner/Sole Accused

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Palayamkottai (Rural),
Tirunelveli District.
Crime No.18 of 2021.

... Respondent/Complainant

For Petitioner : Mr.NEELAKANDAN.V, Advocate.

For Respondent : Mr.R.M.ANBUNITHI,
Additional Public Prosecutor(Crl.side)

PETITION FOR BAIL Under Sec.439 of Cr.P.C.

PRAYER :- For Bail in Crime No.18 of 2021 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner is facing charges under Sections 417, 420 and 376 IPC, Section 4 of TNPHW Act and Section 66 (E) of IT Act, in Crime No.18 of 2021 on the file of the respondent police.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that her first husband died on 24.05.2014 and they had two children. After the death of the 1st husband, she developed some sort of intimacy with the accused person, who helped her during the occasion. Because of the aforesaid acquaintance, the petitioner promised to marry her.

3.On the basis of the aforesaid promise, they started living together from December, 2015 and later, they also got married. After some time, the accused person left for Pudukkottai, where he was working. Later, he created trouble saying that their marriage was not informed to his parents. Only at that time, she came to know that she was cheated. Be deserting her, he left the home on 22.08.2019, but thereafter, he could not be contacted. However, he threatened her stating to upload the private photographs that has been taken during intimacy on the social media. On the basis of the



aforesaid complaint, the case has been registered and the petitioner was arrested on 28.06.2022 and ever since he is in judicial custody.

4.Now, seeking bail, this petition has been filed on the ground that major portion of the investigation might have been over by this time. The learned counsel for the petitioner would submit that the petitioner will not make any trouble to the defacto complainant in future and he is also ready to settle the issue.

5.The learned Additional Public Prosecutor (Crl.side) for the respondent would submit that the investigation is over and the draft final report has also been presented before the concerned Court for completing the official formalities.

6.The allegation of this nature cannot be referred to mediation for settlement, if at all the matter can be settled out of the Court. Since there is an allegation of marriage, the petitioner has to settle the issue properly. On the basis of the aforesaid undertaking that has been given by the learned counsel for the petitioner, this Court is inclined to grant bail to the petitioner with stringent conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail, on executing a personal 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 learned Judicial Magistrate-III, Tirunelveli, and on further condition that the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

sd/-

24/08/2022

/ TRUE COPY /

24/08/2022

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 NO.III
TIRUNELVELI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.

<https://www.mhc.tn.gov.in/judis>



3 THE SUPERINTENDENT
CENTRAL JAIL, PALAYAMKOTTAI.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
PALAYAMKOTTAI (RURAL),
TIRUNELVELI DISTRICT.

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

+1. CC to M/S.A.KARTHIK, Advocate SR.No.8901

ORDER

IN

CRL OP(MD) No.13892 of 2022

Date :24/08/2022

MM

SA/VR/SAR.4/24.08.2022/3P/7C