



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 22/09/2022
PRESENT

WEB COPY

The Hon`ble Mr.Justice G.ILANGO VAN
CRL OP(MD) . No.16497 of 2022

Umaiyanathan

... Petitioner/Accused

Vs

State rep.by
The Sub Inspector of Police,
()All Women Police Station,**
Kadambur
Tuticorin District.
(Crime No.04/2022).

... Respondent/Complainant

For Petitioner : M/s.Raamakrishnan.Ka., Advocate.
For Respondent : Mr.RMS.Sethuraman,
Additional Public Prosecutor

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

PRAYER :- For Anticipatory Bail in Crime No.04 of 2022 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as accused apprehending arrest at the hands of the respondent police for the offences punishable under Sections 417 and 376 IPC, in Crime No.04. Of 2022 seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant lodged a complaint stating that she had contact with the accused person and they become lovers and he promised to marry her. On 17.01.2021, she was taken to one Govindan's house, where she was subjected to sexual intercourse forcibly. That was continued for some time. When she demanded marriage, he refused. It is also stated that he is also going to marry some other girl. On coming to know that he is going to marry some other girl, she lodged a complaint. Hence, this case.

3.The earlier application which was filed by the petitioner came to be dismissed by this Court on 17.08.2022 in CrI.O.P.(MD) No.11196 of 2022 on the ground that serious allegation has been made against the petitioner. The second application has been filed on the ground that as per the direction issued by this Court, the petitioner appeared before the respondent police, subjected himself for medical examination and also co-operated with the Investigating Officer.

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



4.Per contra, the learned Additional Public P. or submitted that the petitioner did not co-operate for the investigation and he is absconding without attending the duty.

5.The perusal of CD file shows that the petitioner appeared before the respondent and medical examination of the petitioner was also undertaken and statement of the petitioner was also recorded.

6.The grievance of the petitioner is that if he is arrested and remanded to custody, there is every likelihood of termination of the services. The medical examination is also over and major portion of investigation is also completed. Considering the above said situation of the petitioner, this Court is inclined to grant anticipatory bail to the petitioner with conditions.

7.Accordingly, this Criminal Original Petition is allowed and petitioner is ordered to be released on bail in the event of arrest or on his appearance, before the learned (*)Judicial Magistrate, Ottapidaram, on condition that the petitioner shall execute a 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 Magistrate concerned and the petitioner shall appear before the respondent police once in a month i.e., at 10.30 a.m., on first working day of every English Calender month, until further orders and co-operate with them to complete the investigation process. The petitioner shall comply with the condition stipulated under Section 438 Cr.P.C. scrupulously. If during the Course of investigation, if the custodial interrogation of the petitioner is required to extract any fact, then the respondent is at liberty to approach the concerned Court for appropriate orders.

8. The petitioner 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/-

22/09/2022

(*)Amended as per order of the Court dated 10/03/2023 in CrI.MP (MD).3989/2023 in CrI.OP(MD).16497/2022 by GKIJ.

()Amended as per Order of the Court dated 03/04/2023 in CrI.MP (MD).5466/2023 in CrI.OP(MD).16497/2022 by GKIJ.**

/ TRUE COPY /

/04/2023

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



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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

TO BE SUBSTITUED WITH THE ORDER DATED 22/09/2022 ALREADEY DESPATCHED
TO BE SUBSTITUED WITH THE AMENDED ORDER DATED 10/03/2023 ALREADEY DESPATCHED

1. THE JUDICIAL MAGISTRATE NO.I,
KOVILPATTI,
TUTICORIN DISTRICT.
2. THE JUDICIAL MAGISTRATE,
OTTAPIDARAM.
3. -DO-
THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TUTICORIN DISTRICT.
4. THE SUB INSPECTOR OF POLICE,
KADAMBUR POLICE STATION, TUTICORIN
DISTRICT.
5. THE SUB INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
KADAMBUR
TUTICORIN DISTRICT.
6. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 cc to Mr.M.PANDIAN, Advocate, SR.No.5399 Dt.03/04/2023.

ORDER

IN

CRL OP(MD) No.16497 of 2022

Date :22/09/2022

SP/SBN/SAR I/28/09/2022/3P/5C

VSD

SA/MMS/SAR.1/21.03.2023/3P/5C

AAV

SA/VR/SAR.1/13.04.2023/3P/8C