



WEB COPY

CRL OP(MD). N



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 09/11/2022

PRESENT

The Hon`ble Mr.Justice A.A.NAKKIRAN

CRL OP(MD). No.19753 of 2022

1. David Jacobraj

2. Gnanamani

... Petitioners/Accused No.2 & 4

Vs

The State rep.by,
The Inspector of Police,
All Women Station,
Valliyoore,
Tirunelveli District.
(Crime No.18/2022)..

... Respondent/Complainant

For Petitioner : M/s. Venkatesan.P.,
Advocate.

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

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

PRAYER :-

For Anticipatory Bail in Crime No. 18 of 2022 on the file of the respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 and A4, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 294 (b), 417, 376 and 506(ii) IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002 in Crime No.18 of 2022, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that A1 was in love affair with the de-facto complainant and had physical relationship with her and thereafter, refused to marry her. When the same was questioned by the de-facto complainant, the petitioners herein threatened her with dire consequences. Hence, the complaint.



3.The learned counsel for the petitioners would submit that the petitioners are innocents and they have been falsely implicated in this case. He would further submit that this is a second anticipatory bail petition and also submitted that three witnesses have been examined so far. Hence, he prays for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that A2 is the father of A1 and A4 is the uncle of A1. A1 by giving false promise to marry the de-facto complainant, had sexual intercourse with her and thereafter, refused to marry her. When the same was questioned by the de-facto complainant, the petitioners threatened her with dire consequences. He would further submit that the statement under Section 164 of Cr.P.C of the de-facto complainant is also recorded and the investigation is still pending. Hence, he strongly opposed to grant anticipatory bail to the petitioners.

5.Considering the facts and circumstances of the case and considering the nature of charges levelled against the petitioners and also the fact that three witnesses have been examined so far, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

6.Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Valliyoor, Tirunelveli District, on condition that each of the petitioner shall execute a separate 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 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 Aadhaar card or bank pass book to ensure their identity.

[b]the petitioners shall report before Inspector of Police, Nangunari Police Station, Tirunelveli District daily at 10.30 a.m., until further orders;

[c]the petitioners shall not tamper with the evidence or witness either during investigation or trial.

[d]the petitioners 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 petitioners in accordance with law as if the conditions



have been imposed and the petitioners released on bail. 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]**.

[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
09/11/2022

/ TRUE COPY /

/11/2022
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TTA

TO

1. THE JUDICIAL MAGISTRATE, VALLIYOOR, TIRUNELVELI DISTRICT.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN STATION,
VALLIYOOR,
TIRUNELVELI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

COPY TO

THE INSPECTOR OF POLICE,
NANGUNARI POLICE STATION,
TIRUNELVELI DISTRICT.

ORDER
IN
CRL OP(MD) No.19753 of 2022
Date : 09/11/2022

RK/SSS/SAR-1 (17/11/2022) 3P/6C