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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Date : 05/12/2022

PRESENT

The Hon`ble Mr.Justice A.D.JAGADISH CHANDIRA

CRL OP(MD) . No.21398 of 2022

1. Pandiyammal
2. Karuppanan @ Karuppasamy ... Petitioners/Accused No.2 & 3

Vs

State rep.by
The Inspector of Police,
All Women Police Station, Sattur,
Virudhunagar District.
(Crime No.14 of 2022). ... Respondent/Complainant

For Petitioners : M/s.Shenbagaraj R, Advocate

For Respondent : Mr.K.Sanjai Gandhi
Government Advocate (Crl.Side)

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

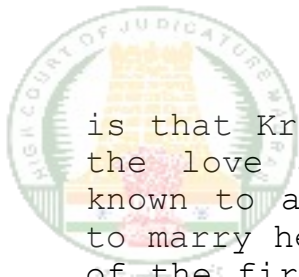
PRAYER :-

For Anticipatory Bail in Crime No.14 of 2022 on the file of the Respondent Police

ORDER : The Court made the following order :-

The petitioners/Accused, apprehending arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 376, 323, 109, 506(i) of I.P.C, in Crime No.14 of 2022, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sangeetha is that the first accused Krishnan is known to her and that there was a love affair between them and later he compelled her and had sexual intercourse with her. Subsequently, on 10.07.2022, on the assurance of promise to marry her, the said accused Krishna had sexual intercourse with her. Further allegation



is that Krishna's mother used to take money from her and thus later the love affair between the defacto complainant and Krishna was known to all the family members. Later, the first accused refused to marry her and that the petitioners, who are the father and mother of the first accused Krishna, had threatened her and also compelled and got an undertaking that there is no relationship between her and the said Krishna. Hence, the complaint.

3.The learned counsel for the petitioners submitted that the petitioners are none other than the parents of said Krishna and they were not aware of the affair between the first accused and the defacto complainant. Only after registration of FIR, they came to know about the affair between the Krishna and the defacto complainant. The only allegation against the petitioners is that they knew about the love affair between the Krishna and the defacto complainant and refused for the marriage and also obtained an undertaking from the victim/defacto complainant that there is no relationship between her and the first accused/Krishna. He would further submit that this is the second anticipatory bail petition and the earlier application was dismissed by this Court in CrI.O.P (MD)No.18493, dated 02.11.2022. The fourth accused has been arrested and released on bail. He would reiterate the fact that there is no specific allegation against the petitioners. Hence, prays to release them on anticipatory bail.

4.The learned Government Advocate (CrI.Side) submitted that the petitioners are the parents of the main accused/A1. The said accused had sexual intercourse with the victim, by giving false promise to marry her and later, refused to marry her. Hence, he vehemently opposed to grant anticipatory bail to the petitioners.

5.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

6.Taking into consideration the facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7.Accordingly, this Criminal Original 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, Sattur, on condition that the petitioners shall execute a bond for a sum of Rs.25,000/- (Rupees Twenty Five Thousand only) each with two sureties each for a like sum to the satisfaction of respondent Police or the police officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed 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 the respondent police everyday at 10.30 a.m., for a period of four weeks and thereafter, on every Saturday 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 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/ petitioners thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

Sd/-

05/12/2022

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/12/2022

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

PNM

TO

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

+1. CC to M/S.SHENBAGARAJ R Advocate SR.No.14421

ORDER

IN

CRL OP(MD) No.21398 of 2022

Date : 05/12/2022