



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

Date : 10/11/2022

PRESENT

WEB COPY

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

CRL OP(MD) . No.19892 of 2022

1. Philip Josephpaulraj
2. Jayarani
3. Jeniger @ Jeniinfantsilviya
4. John Kennedy

... Petitioners/Accused No.2to5

Vs

The State Rep. By,
The Inspector of Police,
All Women Police Station,
Tallakulam, Madurai City.
(Crime No.29 of 2020).

... Respondent/Complainant

For Petitioner : M/s.Gandhi R,
Advocate.

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

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

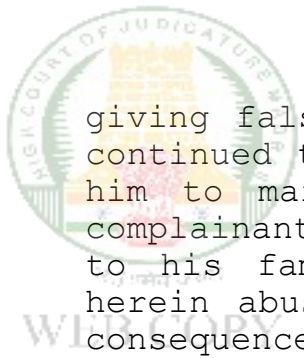
PRAYER :-

For Anticipatory Bail in Crime No.29 of 2020 on the file of the
Respondent Police

ORDER : The Court made the following order :-

The petitioners/A2 to A5, who apprehend arrest at the hands of
the respondent police for the offences punishable under Sections
417, 506(1) r/w 34 of IPC, in Crime No.29 of 2020, seek anticipatory
bail.

2.The case of the prosecution is that the petitioners 2 & 3 are
the parents of A1. Third petitioner is the sister of A1 and the
fourth petitioner is the husband of third petitioner. A1 and the
defacto complainant belong to same community and associated with
same church. From the year 2009, A1 and the defacto complainant
loved each other for more than 10 years. On 12.09.2019, A1 invited
the defacto complainant to his house and had sexual intercourse by



giving false promise that he will marry her. Thereafter, t so continued their relationship. When the defacto complainant demanded him to marry her, he refused to marry her. Hence, the defacto complainant went to the house of A1 and informed their relationship to his family members. At that time, A1 along with petitioners herein abused her in filthy language and 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 not committed any offence as alleged by the prosecution. He would further submit that even in the FIR, no specific allegation has been attributed against the petitioners. A1 was already granted anticipatory bail by this Court, in Crl.OP(MD)No.5789 of 2021 on 05.08.2021 and charge sheet was filed before the concerned Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Government Advocate (Crl.Side) would submit that after completion of investigation, final report was filed before the learned Judicial Magistrate Court cum Additional Mahila Court, Madurai and the same was taken on file on P.R.C.No.248 of 2022. A1 was already granted anticipatory bail by this Court, on 05.08.2021. However, considering the gravity of the offence, he strongly opposed to grant anticipatory bail.

5.Considering the facts and circumstances of the case and also considering the facts that charge sheet was filed before the concerned Court and A1 was already granted anticipatory bail by this Court, 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 their 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 Cum Additional Mahila, Court, Madurai, 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 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 Aadhar card or Bank pass Book to ensure their identity;

(b)the petitioners shall appear before the concerned Court for all hearing dates without fail;

(c)the petitioners shall not tamper with 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 thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

sd/-

10/11/2022

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/11/2022

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 CUM
ADDITIONAL MAHILA COURT, MADURAI.
2. DO-THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, TALLAKULAM,
MADURAI CITY.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.R.GANDHI, Advocate (SR-12785[I] dated 10/11/2022)

ORDER

IN

CRL OP(MD) No.19892 of 2022

Date :10/11/2022

dss

USK/SSS/SAR-III/23.11.2022/3P/6C