



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.12.2022

PRESENT

WEB COPY

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P (MD) Nos.22209 and 22212 of 2022

Kannan

...Petitioner/Accused No.2
(in Crl.O.P. (MD) No.22209/2022)

Balakrishnan

...Petitioner/Accused No.1
(in Crl.O.P. (MD) No.22212/2022)

-vs-

State rep.by
The Inspector of Police,
All Women Police Station,
Manamadurai Taluk
Sivagangani District.
(Crime No.20 of 2022)

...Respondent/Complainant
(in both Petitions)

Common Prayer: Criminal Original Petitions filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest in connection with Cr.No.20 of 2022 on the file of the respondent Police.

(in both Petitions)

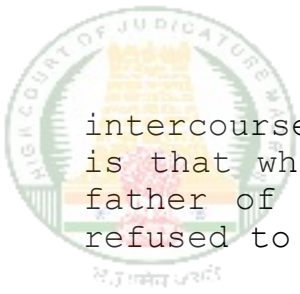
For Petitioners : Mr.R.Senthil Kumar, Advocate

For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

C O M M O N O R D E R

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 417, 376 and 506(i) IPC in Crime No.20 of 2022 on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution, as per the de-facto complainant, Kaviya is that the first accused had induced the de-facto complainant on the promise of marrying her and had sexual



intercourse with her and later, cheated her. The further allegation is that when she had informed it to the second accused, who is the father of the first accused, he has threatened and abused her and refused to arrange for the marriage. Hence, the complaint.

3.The learned Counsel for the petitioners would submit that the petitioners are innocents and a false complaint has been given. He would also submit that the first accused and the alleged victim were known to each other for long time and there was a consensual relationship between them. He would submit that the victim is a graduate and 20 years old adult and she knowing the consequences had the relationship with the first accused. He would further submit that only when the relationship came to be known to her uncle, one Saravanan, he had reprimanded the victim and thereby, a false complaint has been given. He would further submit that the petitioners have earlier approached this Court in CrI.O.P.(MD) No.17710 of 2022 and this Court, by order, dated 06.10.2022, had granted anticipatory bail to the petitioners. He would further submit that the petitioners were unable to surrender and furnish sureties and thereby, the earlier order got lapsed and that he would seek for anticipatory bail.

4.The learned Government Advocate (crl.side) would submit that the first accused had induced the de-facto complainant on the false promise of marrying her and he had sexual intercourse with her and later, the victim had given prior complaint before the respondent Police and during enquiry, the first accused was summoned and he had agreed to marry the victim girl and later, he had absconded. Further, he would submit that earlier this Court had granted anticipatory bail to the petitioners in CrI.O.P.(MD)No.17710 of 2022 and a statement had also been recorded from the victim girl under Section 164 Cr.P.C.

5.Heard the learned Counsel. Taking into consideration the facts and submissions and on perusing the materials available on record including the F.I.R., and also the statement recorded from the victim under Section 164 Cr.P.C., 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 on which the order copy made ready, before the learned Judicial Magistrate Court, Manamadurai, Sivagangai District, on condition that the petitioners shall execute bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) each with one surety each for a like sum to the satisfaction of the 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 condition 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 report before the respondent police everyday at 10.30 a.m., until further orders.

[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]**.

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

Sd/-

16/12/2022

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/12/2022

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

cmr

TO

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

+1. CC to M/S.SENTHILKUMAR R Advocate SR.No.14992

ORDER

IN

CRL.O.P(MD)Nos.22209

and 22212 of 2022

Date :16/12/2022