



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

PRESENT

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

CRL.O.P(MD)No.21913 of 2022

Mathanabalan

...Petitioner / Accused No.1

-vs-

The State represented by
The Inspector of Police,
All Women Police Station,
Thirumangalam, Madurai District.
(in Crime No.33 of 2022)

...Respondent / Complainant

PRAYER: Criminal Original Petition filed under Section 438 of Cr.P.C, praying to enlarge the petitioner on bail in the event of his arrest by the respondent Police with respect to Cr.No.33 of 2022.

For Petitioner : Mr.K.Pandiarajan, Advocate.

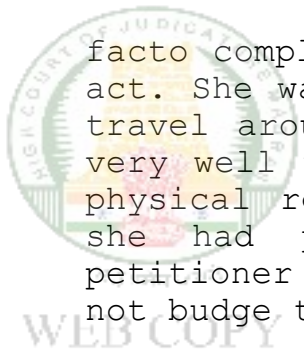
For Respondent : Mr.P.Kottai Chamy
Government Advocate (Crl.side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 294(b), 376, 417, 511 and 506(i) IPC in Crime No.33 of 2022 on the file of the respondent Police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant, Jennathul Firthose, is that she has completed B.Sc., (Costume Design and Fashion) and working in a private company in Coimbatore. One Muththeshwaran, is her friend and through him, she got introduced to the first accused. The first accused, on the promise of marrying her, taken her out to various places for the past six years and had sexual intercourse with her and later refused to marry her. Thereafter, he has married another woman on 14.11.2018 and the accused refused to further move with the de-facto complainant. Hence, the complaint.

3.The learned Counsel for the petitioner would submit that the petitioner is an innocent and a false complaint has been given. He would also submit that the the petitioner and the de-facto complainant are known to each other for the past six years. The de-



facto complainant is a matured adult knowing the consequences of her act. She was in friendly terms with the petitioner and they used to travel around for the six years to various places and had knowing very well that the petitioner is a married man, she had consensual physical relationship with him and later, for reasons best known, she had joined with certain of her friends, threatened the petitioner and his wife demanding money. When the petitioner did not budge to her demand, she has given a false complaint.

4.He would also submit that the petitioner's wife, Vijayalakshmi, had given a complaint against the de-facto complainant before the All Women Police Station, Thirumangalam and an enquiry was conducted in C.S.R.No.645 of 2022, dated 22.09.2022. The All Women Police Station, Thirumangalam had summoned de-facto complainant to appear for enquiry. The petitioner and his wife appeared for enquiry, whereas, the de-facto complainant did not turn up for enquiry, whereas, she has given a false complaint on 31.10.2022 alleging that the petitioner suppressing his marriage, had affair with her and had sexual intercourse with her on the promise of marriage. He would submit that the very reading of the FIR would show that there was a consensual relationship between them for several years and they have travelled to several places and he would seek for anticipatory bail.

5.The learned Government Advocate (Crl.side) would submit that the petitioner, who is a married man, had induced the de-facto complainant, who is aged about 24 years, on the promise of marriage and had taken her to several place for the past six years and had sexual intercourse and thereafter, refused to marry her. The mother and the wife of the petitioner have intimidated the de-facto complainant.

6.Taking into consideration the facts and submissions and on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate, Thirumangalam, Madurai District, 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 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 petitioner 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 petitioner shall report before the responder everyday at 10.30 a.m., until further orders.

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

[d] the petitioner 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 petitioner in accordance with law as if the conditions have been imposed and the petitioner 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/-

19/12/2022

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

TO

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

+1 CC to M/s.PANDIARAJAN K, Advocate (SR-15115[I] dated
19/12/2022)

ORDER

IN

CRL OP(MD) No.21913 of 2022
Date :19/12/2022

cmr

PKP/VR/SAR 3/30.12.2022/3P/6C