



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2022

PRESENT

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

CRL.O.P(MD)Nos.21996 and 21999 of 2022

WEB COPY

1.Muniyandi
2.Muniyammal

... Petitioners in both cases

-vs-

The State represented by
The Inspector of Police,
Peraiyur Police Station,
Ramnad District.
(Cr.Nos.78 and 79 of 2022)

... Respondent in both cases

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.Nos.78 and 79 of 2022 on the file of the respondent Police.

(in both cases)

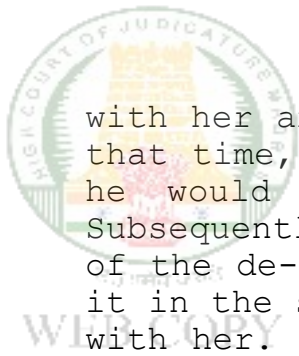
For Petitioners	: Ms.Porkodi Karnan for M/s.Polax Legal Solutions
For Respondent	: Mr.M.Veeranthiran Government Advocate (Crl.side)

C O M M O N O R D E R

The petitioners in Crl.O.P.(MD)No.21996 of 2022, who apprehend arrest at the hands of the respondent Police for the offences punishable under Sections 109, 341, 294(b), 323, 506(i) and 379(NP) of IPC and Section 4 of TNPHW Act in Crime No.79 of 2022 on the file of the respondent Police, seek anticipatory bail.

2.The petitioners in Crl.O.P.(MD)No.21999 of 2022, who apprehends arrest at the hands of the respondent Police for the offences punishable under Sections 417, 376, 354(c), 294(b) and 506 (ii) IPC in Crime No.78 of 2022 on the file of the respondent Police, seek anticipatory bail.

3.The case of the prosecution, as per the de-facto complainant, is that she has completed B.Com and she was in love with the first accused, Nalamurugan for the past six years and that on 14.02.2022 on the promise of marrying her, he had committed sexual intercourse



with her and that it came to be known to her younger brother at that time, the first accused, Nalamurugan had told her brother that he would marry her and at that time, there was no problem. Subsequently, the said Nalamurugan had taken obscene and nude photos of the de-facto complainant and by threatening that he would upload it in the social media, had compelled her and had sexual intercourse with her. Later on 19.06.2021, the first accused, Nalamurugan, had come back from his place of employment for attending his sister's Valaikappu function and even at that time, he had sexual intercourse with the victim girl. Later, the parents of the accused had refused for the marriage, saying that if only the de-facto complainant gives 100 sovereigns of jewels as dowry, they would agree for the marriage. Later, a panchayat was conducted. During such time also, the parents of the first accused had demanded 100 sovereigns of gold and cash of Rs.4,00,000/- for arranging the marriage. Hence, the complaint.

4.The learned Counsel for the petitioners would submit that the petitioners in Crl.O.P.(MD)No.21996 of 2022 are the parents of A1 and they are innocents and they have been unnecessarily roped in this case. He would also submit that even as per the de-facto complainant, the relationship with the first accused and herself was continuing for six years and during such time, they had indulged in consensual sexual intercourse on several occasions. The petitioners being parents of A1 were not aware of the relationship. He would submit that de-facto complainant is a matured adult, who understands the consequence and that she had relationship with the petitioners' son. He would submit that the subsequent averments made in the complaint are only to see that the petitioners are compelled to agree for the marriage. He would submit that the petitioners are unnecessarily roped in this case.

5.The learned Counsel for the petitioners would further submit that earlier the petitioners were granted interim anticipatory bail on the assurance given by them that they will convince their son to agree for the marriage with the de-facto complainant. Now, their son is not attending the phone calls of the petitioners for which, the petitioners cannot be held responsible and thereby, he would seek anticipatory bail. The learned Counsel for the petitioner would further submit that the major part of the investigation is also over and a statement has also been recorded from the de-facto complainant under Section 164 Cr.P.C., wherein, they understand that the victim has stated that there was a consensual relationship between her and the first accused for six years and that contradictory statements have also been given by the de-facto complainant.

6.The learned Government Advocate (crl.side) would submit that the petitioners are the parents of the first accused. The first accused, on the promise of marrying the de-facto complainant, had sexual intercourse with her and he had also taken photographs of her



in obscene manner and had threatened to upload it in social media and continued to satisfy his desire. He would also submit that the investigation is pending and the respondent has recorded a statement from the victim girl under Section 164 Cr.P.C., and he opposes to grant anticipatory bail.

WEB COPY

7. Heard the learned Counsel. Taking into consideration the facts and circumstances of the case and on perusing F.I.R. and the statement recorded from the victim girl under Section 164 of Cr.P.C., this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

8. 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 District Munsif-Judicial Magistrate, Kamuthi, on condition that the petitioners shall execute 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 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., for a period of two weeks, thereafter every Saturday at 10.30 am 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/-

13/12/2022

/ TRUE COPY /

/12/2022

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



TO

1. THE DISTRICT MUNSIF CUM JUDICIAL MAGISTRATE,
KAMUTHI.

2. DO THROUGH : THE CHIEF JUDICIAL MAGISTRATE,
RAMANATHAPURAM DISTRICT.

3. THE INSPECTOR OF POLICE,
PERAIYUR POLICE STATION,
RAMNATHAPURAM DISTRICT.

4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+2 CC to M/s.POLAX LEGAL SOLUTIONS, Advocate (SR-14760 & 14761[I]
dated 13/12/2022)

ORDER

IN

CRL.O.P (MD) Nos.21996 and
21999 of 2022

Date :13/12/2022

CMR

USK/VR/SAR-II/20.12.2022/4P/7C