



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

Date : 27/02/2023

PRESENT

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

CRL OP(MD) . No.2212 of 2023

Martin Jerome

... Petitioner/Accused

Vs

1. The State rep. by,
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai City,
Crime No.07 of 2023.

... Respondent/Complainant

2. Asiya Beevi

...Intervener/Defacto Complainant

For Petitioner : M/s.Manimaran.K.R

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

For Intervenor : Mr. T.Lenin Kumar

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

PRAYER :-

For Anticipatory Bail in Crime No.07 of 2023 on the file of
the Respondent Police.

ORDER : The Court made the following order :-

The petitioner/Accused, apprehending arrest at the hands
of the respondent police for the alleged offence punishable under
Sections 417, 376, 506(i) IPC, in Crime No.7 of 2023, on the file of
the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto
complainant is that she was in love with the accused Martin Jerome
and during the relationship, he has taken 25 sovereigns of gold
jewels and cash of Rs.1,70,000/- for the purchase of motor-cycle and
further, the family members of the accused has also taken a sum of
Rs.2,90,000/- from the defacto complainant. Further, the accused had
intercourse with the defacto complainant on giving a false



promise that he will marry her. Later, he cheated her. He filed a complaint.

3.Today, when the matter is taken up for hearing, it is submitted by the learned counsel for the petitioner and the learned counsel for the intervenor that the petitioner and the defacto complainant were in a consensual relationship with each other and there was some money dispute between them. Thereby, a complaint has been given against the petitioner. Now, parties have settled their issues among themselves and the petitioner has also repaid the amounts to the defacto complainant, which was taken by him and his family members.

4.The learned Government Advocate (Crl.Side) would submit that the petitioner has cheated the defacto complainant on the promise to marry her and had sexual intercourse with her. He also cheated an amount to the tune of Rs.4,60,000/-. Based on the complaint, a case has been registered against the petitioner. Now, in this case, investigation is still pending. However, the parties have settled the issue among themselves.

5.Today, the defacto complainant also appeared before this Court along with her counsel. The learned counsel for the intervenor would submit that both the petitioner and the defacto complainant have compromised the matter among themselves. Pursuant to which, the defacto complainant has received her amounts from the petitioner and she has no objection for granting anticipatory bail to the petitioner.

6.In view of the above settlement, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7.Accordingly, this Criminal Original Petition is allowed and the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned **Sessions Judge, Mahila Court, Madurai**, 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 Judge 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 Judge may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



[b] the petitioner shall report before the police as and when required for interrogation;

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

WEB COPY [d] the petitioner shall not abscond either during investigation or trial;

[e] on breach of any of the aforesaid conditions, the learned Judge/ 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 Judge/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/ petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
27/02/2023

/ TRUE COPY /

/03/2023

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

PNM

TO

1. The Sessions Judge, Mahila Court, Madurai.

2. The Inspector of Police,
All Women Police Station, Thallakulam,
Madurai City.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.K.R.MANIMARAN, Advocate (SR-2966[I] dated 28/02/2023)

ORDER
IN
CRL OP(MD) No.2212 of 2023
Date : 27/02/2023

NA/SAR-3/13.03.2023/3P/5C

<https://www.mhc.tn.gov.in/judis>