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CRL OP(MD).



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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 10/02/2023

PRESENT

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

CRL OP(MD) . No.2199 of 2023

1. Poonga
2. Murugan
3. Ebiprabhakaran @ Prabhakaran
4. Veerendrasewak ... Petitioners/Accused No.2to5

Vs

The State rep.by,
Inspector of Police,
All Women Police Station,
Usilampatti Police Station,
Madurai District,
Crime No.02/2023

... Respondent/Complainant

For Petitioner : M/s.Ramsundarvijayraj S,
Advocate.

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

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

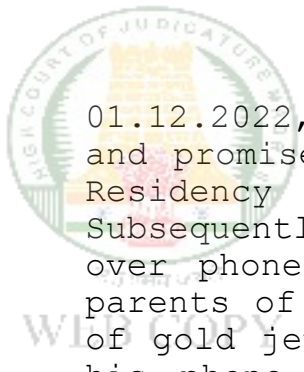
PRAYER :-

For Anticipatory Bail in Crime No.2 of 2023 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, 376 and 506(1) of I.P.C., in Crime No.2 of 2023, on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution is that the de-fact complainant is studying 3rd year B.A at Government Arts College, Kodaikanal and she is studying in a room with her friends at Kodaikanal. The de-fact complainant and A1 have developed love affair. While so on



01.12.2022, A1 went to Kodaikanal and met the de-facto co-accused, A2, and promised her that he would marry her and booked a room in SMS Residency for three days and they had physical relationship. Subsequently, on 18.12.2022 A1 contacted the de-facto complainant over phone and informed her that he could marry her only if the parents of the de-facto complainant would present her 80 sovereigns of gold jewels, otherwise he would marry somebody and switched off his phone. The de-facto complainant decided to commit suicide. Later on 03.01.2023 A1 to A5 threatened the de-facto complainant to discontinue the affair that she had with A1 abused her and criminally intimidated her with dire consequences. Hence, the case.

3.The learned counsel for the petitioners would submit that the petitioners 1 and 2 are parents and the petitioners 3 and 4 are brothers of the first accused and there was a love affair between A1 and the victim girl and A1 has refused to marry her, the petitioners had been unnecessarily roped in in this case. He would further submit that A1 has been arrested and released on bail by this Court in Crl.O.P.(MD)No.2061 of 2023, dated 06.02.2023. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (Crl. side) would submit that the petitioners 1 and 2 are parents and the petitioners 3 and 4 are brothers of the first accused. He would further submit that the first accused, who is known to the victim girl had induced her on the false promise of marrying her alleged to have sexual intercourse with her and later, he had demanded 80 sovereigns of gold jewels for marrying her and the family members of the first accused has also abused the de-facto complainant in filthy language. Hence, he would object for grant of anticipatory bail to the petitioner. He would further submit that the statement of the victim has also been recorded under Section 164 of Cr.P.C.

5.Heard. Perused the materials available on record including the First Information Report and the statement of the victim girl recorded under Section 164 of Cr.P.C.

6.Taking into consideration of the facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners with certain conditions:

7.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 No.I, Usilampatti, 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 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



[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, daily at 10.30 a.m., for a period of two weeks and thereafter, on every Saturday 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 abscond, a fresh FIR can be registered under Section 229A IPC.

sd/-
10/02/2023

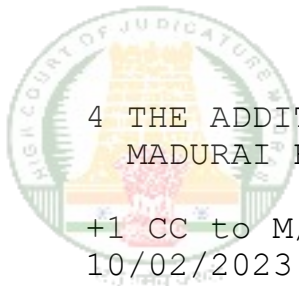
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/02/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

sj i

TO

1. THE JUDICIAL MAGISTRATE NO. I,
USILAMPATTI.
2. DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI.
3. THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI POLICE STATION,
MADURAI DISTRICT,



CRL OP(MD).



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

+1 CC to M/s.S.RAMSUNDARVIJAYARAJ, Advocate (SR-2166[I] dated
10/02/2023)

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ORDER

IN

CRL OP(MD) No.2199 of 2023

Date :10/02/2023

RK/VR/SAR-2 (21/02/2023) 4P/6C