



WEB COPY

CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 01/03/2023

PRESENT

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

CRL OP(MD) . No.3900 of 2023

Alex Antony

... Petitioner/Accused No.2

Vs

The State Rep.by
The Inspector of Police,
All Women Police Station Thallakulam
Madurai City(Cr.No.7/2023).

... Respondent/Complainant

For Petitioner : K.R.Manimaran

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

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

PRAYER :-

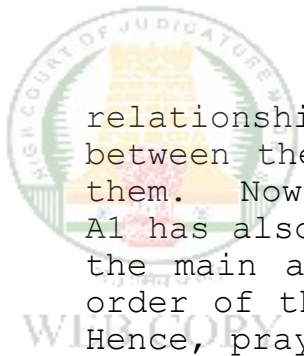
The Anticipatory Bail in Cr.No.7 of 2023 on the file of the respondent police.

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 406, 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 sexual intercourse with the defacto complainant on giving a false promise that he will marry her. Later, he cheated her. Hence, the complaint.

2.The learned counsel for the petitioner would submit that the petitioner and the defacto complainant were in a consensual relationship.



relationship with each other and later there was some money between them. Thereby, a false complaint has been foisted against them. Now, parties have settled their issues among themselves and A1 has also repaid the amounts to the defacto complainant. However, the main accused/A1 has already been enlarged on bail, as per the order of this Court in Crl.OP(MD)No.2212 of 2023, dated 27.02.2023. Hence, prays to enlarge him on anticipatory bail.

3.The learned Government Advocate (Crl.Side) would submit that the A1 has cheated the defacto complainant on the promise to marry her and had sexual intercourse with her. The accused persons also cheated an amount to the tune of Rs.4,60,000/-. Based on the complaint, a case has been registered against the accused persons. Now, in this case, investigation is still pending. However, the parties have settled the issue among themselves.

4.Considering the facts and submissions of the case, considering the fact that the matter has been settled between the parties and that the co-accused has already been enlarged on anticipatory bail, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5.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 respondent police as and when required for interrogation;

[c] the petitioner shall not tamper with the 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 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

<https://www.mhmttn.gov.in/judis> in **P.R.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/-

01/03/2023

/ TRUE COPY /

WEB COPY

/03/2023

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

TO

1 THE SESSIONS JUDGE, MAHILA COURT, MADURAI.

2 DO-THROUGH :
THE CHIEF JUDICIAL MAGISTRATE, MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION THALLAKULAM
MADURAI CITY

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

+1 CC to M/s.K.R.MANIMARAN, Advocate (SR-3115[I] dated 01/03/2023)

ORDER

IN

CRL OP(MD) No.3900 of 2023

Date :01/03/2023

SS/RR/SAR II(08.03.2023) 3P 6C