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CRL OP(MD).



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/03/2023

PRESENT

The Hon`ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD) . No.5844 of 2023

1. Balachandran,
2. Selvam,
3. Dhanalakshmi @ Dhanam, ... Petitioners/Accused Nos. 1 TO 3

Vs

State Rep.by
The Inspector of Police,
All Women Police Station,
Keeranur,
Pudukottai District.
In Crime No.07 of 2023. ... Respondent/Complainant

For Petitioners : M/s.Veeramani.M.C., Advocate.

For Respondent : Mr.B.Thanga Aravindh,
Government Advocate (Crl.Side)

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 petitioners/A1 to A3 who apprehend arrest at the hands of the respondent police for the offences punishable under sections 417,376(1), 294(b) and 506(i) of IPC in Crime No. 7 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant is that the first petitioner on false promise of marrying the defacto complainant had physical relationship with her and thereafter refused to marry her and when the same was questioned by the defacto complainant the petitioners herein abused her in filthy language and also threatened with dire consequences.

<https://www.mca.gov.in>



3. Heard both side and perused the materials available including the First Information Report

4. It is seen that the first petitioner met the victim through tinder dating app and fell in love with her. The petitioner on the pretext of marriage had physical relationship with her, due to which she got pregnant and subsequently the same was aborted. Now the first accused refused to marry her. In so far as the petitioners 2 and 3 are concerned they are parents of the first accused and they have nothing to do with the alleged crime as committed by the first accused. Taking into consideration of the facts and circumstances of the case this court is inclined to grant anticipatory bail to the petitioners 2 and 3 alone, with certain conditions:

5. Accordingly, the petitioners 2 and 3 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, Keeranur, Pudukottai District, on condition that the petitioners 2 and 3 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 that:

[a] the petitioners 2 and 3 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 second petitioner alone shall report before the respondent Police, daily at 10.30 a.m., for a period of four weeks and thereafter as and when required for interrogation

[c] the petitioners 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 2 and 3 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 2 and 3 in accordance with law as if the conditions have been imposed and the petitioners 2 and 3 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.



6. Taking into consideration the serious allegations levelled as against the first petitioner this Court is not inclined to grant anticipatory bail to the first petitioner. Hence the petition stands dismissed as against the first petitioner.

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/04/2023

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

AAV
TO

- 1 THE JUDICIAL MAGISTRATE,
KEERANUR, PUDUKOTTAI DISTRICT.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
PURUKOTTAI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
KEERANUR, PUDUKOTTAI DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC to M/s.VEERAMANI.M.C, Advocate (SR-5222[I] dated 30/03/2023)

ORDER
IN
CRL OP(MD) No.5844 of 2023
Date :29/03/2023

PKP/MMS/SAR-2/03.04.2023/ **3P/6C**