



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 14/06/2023
PRESENT

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

CRL OP(MD) . No.10402 of 2023

1. Siva Amarnath,
2. Kasi,
3. Matchakalai, ... Petitioners/A1 to A3

Vs

The State rep.by
The Inspector of Police,
All Women Police Station,
Usilampatti,
Madurai District.
Crime No.13 of 2023. ... Respondent/Complainant

For Petitioners : M/s.SUYAMBULINGA BHARATHI K,
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.13 of 2023 on the file of the Respondent Police.

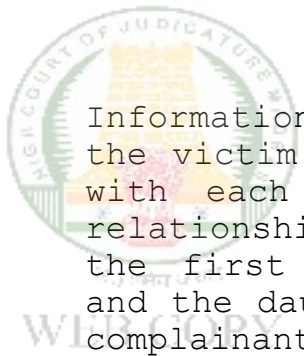
ORDER : The Court made the following order :-

The petitioners/Accused who apprehend arrest at the hands of the respondent police for the offences punishable under sections 417,376 and 506(i) of IPC in Crime No. 13 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 under the pretext had sexual relationship with the defacto complainant and thereafter refused to marry her, hence the case.

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

4. It is seen that there are three accused in this case and the petitioners herein are arrayed as A1 to A3. A perusal of the First



Information Report reveals the fact that the first petitioner and the victim fell in love with each other and they had relationship with each other. Thereafter during the month of January their relationship was broken. the second petitioner who is the father of the first petitioner arranged marriage for the first petitioner and the daughter of the third petitioner herein. Infact the defacto complainant and his family members also participated in the engagement function and marriage of the first petitioner was fixed and the complaint was lodged on 02.06.2023. It is also after three months from the date of engagement. That apart the victim is aged about 24 years and only on her consent they had relationship. Taking into consideration all the above facts and circumstances of the case and also the fact that the injured has been discharged from the hospital this court is inclined to grant anticipatory bail to the petitioners , with certain conditions:

5. 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 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 first petitioner alone shall report before the respondent Police, daily at 10.30 a.m., for a period of two weeks and thereafter as and when required for interrogation. The other petitioners shall report before the respondent police as and when required for interrogation.

[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].



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[f] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

sd/-

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

AAV

TO

1 THE JUDICIAL MAGISTRATE NO.I,
USILAMPATTI.

2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
MADURAI DISTRICT.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
USILAMPATTI,
MADURAI DISTRICT.

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

+1. CC to M/S.SUYAMBULINGA BHARATHI K Advocate SR.No.8924

ORDER

IN

CRL OP(MD) No.10402 of 2023

Date :14/06/2023

SA/VR/SAR. /21.06.2023/3P/6C