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CRL OP(MD)N



23

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 15.06.2023

PRESENT

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

CRL OP(MD)No.10610 of 2023

1.Thangarani
2.Arunkumar

... Petitioners/Accused No.2 & 4

Vs

State rep.by
The Inspector of Police,
All Women Police Station,
Vallam, Thanjavur District.
(Crime No.14 of 2023)

... Respondent/Complainant

For Petitioners : Mr.A.Arun Prasad, Advocate
For Respondent : Mr.R.M.Anbunithi,
Additional Public Prosecutor
For Interventor : Mr.Thalaimutharasu, Advocate

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

PRAYER :-

For Anticipatory Bail in Crime No.14 of 2023 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioners/A2 & A4, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 420, 376, 294(b), 354, 509, 493 & 506(i) IPC in Crime No.14 of 2023, seek anticipatory bail.

2.The case of the prosecution is that the first accused and the defacto complainant loved each other and they also had physical relationship. When the defacto complainant asked A1 to marry her, he refused to do so by stating that his parents did not accept their marriage. Hence the case.

3.Heard both sides and perused the materials available in the record.

4.It is seen that there are totally two accused in this case and the petitioners are arrayed as A2 & A4. A1 fell in love with

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



the defacto complainant and they had physical relationship. Thereafter, A1 refused to marry her since his family members objecting their marriage.

5. Now, the learned counsel appearing for the petitioners would submit that they are ready and willing to arrange marriage between A1 and the defacto complainant and they have no objection for the marriage.

6. The learned counsel appearing for the defacto complainant would submit that A1 is ready and willing to marry the defacto complainant. Only because of the objection raised by the petitioners herein, A1 refused to marry her.

7. Considering the above facts and circumstances of the case, this court is inclined to grant anticipatory bail to the petitioners on condition that the petitioners shall file an undertaking affidavit before the trial Court by stating that they have no objection for the marriage between A1 and the defacto complainant and they shall not interfere in their family life, after their marriage. If the petitioners fail to file undertaking affidavit, the anticipatory bail granted to them shall stand cancelled automatically.

8. On such filing of undertaking affidavit, 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. II, Thanjavur, 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 petitioners 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;

[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 imposed and the petitioners released on bail by the



learned Magistrate/Trial Court himself as laid down by the 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.

sd/-
15/06/2023

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

gns

TO

- 1 THE JUDICIAL MAGISTRATE NO.II, THANJAVUR.
- 2 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.
- 3 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION, VALLAM,
THANJAVUR DISTRICT.
- 4 THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

ORDER
IN
CRL OP(MD) No.10610 of 2023
Date :15/06/2023

RS/SSS/SAR-(26.06.2023) 3P 5C