



Crl.OP(MD)No.12725 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Dated: 14/07/2023

THE HON'BLE MR JUSTICE G.ILANGO VAN
Crl.OP(MD)No.12725 of 2023

1.Vasimalai S/o.Vasimalai Sannasi
2.Vasimalai S/o.Sannasi
3.Chellathaye
4.Kumar
5.Saravanan

: Petitioners/ Accused Nos.1 to 5

Vs.

State rep. by
The Inspector of Police,
All Women Police Station,
Usilampatti, Madurai District.
(Crime No.18 of 2023)

: Respondent/ Complainant

For Petitioners : Mr.A.Jayaramachandran, Advocate
For Respondent : Mr.S.Manikandan,
Government Advocate (Crl.Side)

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

PRAYER:- For Anticipatory Bail in Crime No.18 of 2023 on the file of the Respondent Police.

ORDER: The Court made the following order:-

The petitioners/ A1 to A5, who apprehend arrest at the hands of the respondent police for the offences punishable under sections 417, 376 and 506(i) IPC, in Crime No.18 of 2023 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant version is that she

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



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was in love with one Vasimalai for about two years. Because of the above said physical relationship, she became pregnant. She requested A1 namely Vasimalai to arrange marriage. But delayed. When she was six months pregnancy, A1 started threatening her to abort the child. But she refused, but he promised to send Rs.20,000/- for the above said abortion. When that was brought to the notice of the parents and brother of A1, they were also making criminal intimidation. A male child was born to her. On coming to know about the birth of the child, the family members of A1 refused to accept her. On the basis of the complaint, a case in Crime No.18 of 2023 was registered for the offences under sections 417, 376 and 506(i) IPC against five persons.

3.Now seeking anticipatory bail, this petition has been filed by A1 to A5 before this court.

4.Heard both sides.

5.The learned counsel appearing for the petitioners would straightway rely upon the conduct of the de-facto complainant stating that making similar allegations, she filed a complaint and also registered in Crime No.239 of 2021 on the file of the respondent police for the offence under sections 417, 376 and 506(i) IPC. In the above said complaint, she made allegation against one Pandi, who is working in the Army. She has also mentioned various dates in the complaint. According to the petitioners,



the de-facto complainant is in the habit of having affairs with many persons, used to give complaint against him, as if she was abused.

6.No doubt that the conduct of the de-facto complainant must be taken into account at the time of investigation, as to what happened is the only point to be unearthed during the course of investigation. Simply because, a similar complaint was given against some other persons, the petitioners cannot say that the complaint is absolutely baseless. It is a matter for investigation.

7.Perusal of the CD file shows that A1 also appeared before the respondent police, during the course of enquiry. But later failed to appear and in-stead, moved this court seeking anticipatory bail. He ought to have cooperated with the respondent police in completing the process of investigation. That was not done.

8.It is also seen that no medical examination has also been undertaken so far. So investigation must be taken to its logical end.

9.Considering the seriousness of the allegation made against the first petitioner/A1, he is not entitled for the discretionary of anticipatory bail. He has to undergo the custodial interrogation and medical examination to find out whether any physical relation between A1 and the de-facto complainant and who is the father for the child.

10.So far the the petitioners 2 to 5/A2 to A5 are concerned, they are only



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parents and in laws, only bald allegation has been made against them as if they also refused to receive and accept to get married to A1. Considering the limited allegation that has been made against the petitioners 2 to 5, anticipatory bail is granted to them with certain conditions.

11.In the result, this criminal original petition is dismissed against the first petitioner/A1. In respect of the petitioners 2 to 5/A2 to A5, they are entitled for anticipatory bail with certain conditions. Accordingly, the petitioners 2 to 5/A2 to A5 are ordered to be released on bail in the event of arrest or on their appearance before the learned Judicial Magistrate No.1, Usilampatti and on each of them executing 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 learned Judicial Magistrate concerned and on further condition that the petitioners 2 to 5 shall appear before the respondent police daily at 10.00 am, until further orders. The petitioners 2 to 5 shall comply with the condition stipulated under [Section 438](#) Cr.P.C. scrupulously.

sd/-

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

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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.

ORDER
IN

CRL OP(MD) No.12725 of 2023

Date :14/07/2023

RS/DD/SAR-(24.07.2023) 5P 5C

Madurai Bench of Madras High Court is issuing
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