



CRL OP(MD). No.17546 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 29/09/2023

PRESENT

The Hon`ble Mr.Justice P. DHANABAL

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1. Perumal,
2. Lakshmi,
3. Thamodharan,

... Petitioners/ Accused Nos. 3 to 5

Vs

**State Rep.by
The Inspector of Police,
All Women Police Station,
Palayankottai,
Tirunelveli District.
(Crime No.22/2023).**

... Respondent/Complainant

**For Petitioner : M/s.Senthil Sankara Natha Kuma, Advocate.
For Respondent : Mr.S. Suresh Kumar,
Government Advocate (Crl.Side)**

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

PRAYER :-

For Anticipatory Bail in Crime No. 22/2023 on the file of the Respondent Police.



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ORDER : The Court made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 294(b), 506(i) IPC and Section 4 of TNPWH Act, 2002 in Crime No.22 of 2023 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution is that on promising to marry, A1 had sexual intercourse with the defacto complainant and subsequently, cheated her. When the de facto complainant questioned the same, A1 along with the other accused said to have attacked her and threatened with dire consequences, hence the case.

3. The learned counsel for the petitioners would contend that the petitioners are innocent and a false case has been foisted against them. He would further submit that no one has sustained injury and the bail petition filed by A1 was withdrawn by him, hence he seek anticipatory bail.

4. The learned Additional Public Prosecutor would submit that on promising to marry the defacto complainant A1 had sexual intercourse with her and subsequently cheated her and the petitioners herein are the relatives of A1. He would further submit that no one has sustained injury and the bail petition filed by A1 was withdrawn by him and the investigation of the case is pending and hence objected to grant anticipatory bail to the petitioners.



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5. Heard both side and perused the materials available on record.

6. Considering the rival submissions on either side and also considering the relationship between the parties that these petitioners are in-laws and no specific overt act attributed against these petitioners and also considering the nature of offence, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

7. 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, Thirunelveli, 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 learned Magistrate concerned and on further condition that:

[a] the petitioners shall report before the respondent police daily at 10.30 am until further orders.

[b] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[c] the petitioners shall not abscond either during investigation or trial.

[d] On breach of any of the aforesaid conditions, the learned Magistrate/Trial

Court is entitled to take appropriate action against the petitioner in accordance with
<https://www.mhc.tn.gov.in/judis>



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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].

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

sd/-
29/09/2023
/ TRUE COPY /

/10/2023
Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TRP

TO

- 1 THE JUDICIAL MAGISTRATE NO.I
TIRUNELVELI.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
TIRUNELVELI DISTRICT.
- 3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
PALAYANKOTTAI,
TIRUNELVELI DISTRICT.



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

+1 CC to M/s.S.SENTHIL SANKARANATHA KUMAR, Advocate (SR-14449[I]
dated 29/09/2023)

ORDER
IN
CRL OP(MD) No.17546 of 2023
Date :29/09/2023

PKP/DD/SAR- /05.10.2023/ 5P/ 6C

Madurai Bench of Madras High Court is issuing certified
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