



WEB COPY



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 14.02.2023

PRESENT

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P(MD)No.20287 of 2022 and 2108 of 2023

Selvarani ...Petitioner in CRL.O.P(MD)No.20287 of 2022

Navaneetha Sokkaiyan @ Naveen Sokkaiyan

...Petitioner in CRL.O.P(MD)No.2108 of 2023

-vs-

1.The State represented by
The Inspector of Police,
All Women Police Station,
Virudhunagar District.
(in Cr.No.17 of 2022)

...Respondent/Complainant
in CRL.O.P(MD)No.2108 of 2023
& CRL.O.P(MD)No.20287 of 2022

2.C.Gayathri

3.Naveensokkayan ... Respondents in Crl.O.P.(MD)No.20287 of 2022

(R2 and R3 were *suo motu* impleaded vide order of this Court, dated 16.11.2022 in Crl OP(MD)No.20287 of 2022)

COMMON PRAYER: Criminal Original Petitions filed under Section 438 of Cr.P.C, praying to enlarge the petitioners on bail in the event of their arrest by the respondent Police with respect to Cr.No.17 of 2022.

In both cases

For Petitioners : Mr.I.Suthakaran

For Respondent : Mr.A.Albert James
Government Advocate (Crl.side)
(in both cases)

For R2 : Mr.B.Sundareshwar

COMMON ORDER

The petitioners, who apprehend arrest at the hands of the respondent Police for the offences punishable under Section 498(A) of IPC in Crime No.17 of 2022 on the file of the respondent Police, seeks anticipatory bail.

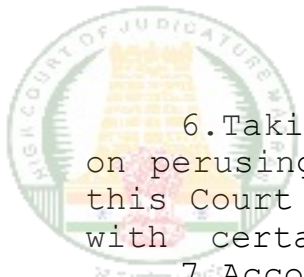


2.The case of the prosecution, as per the de-facto complainant, Gayathri, is that she was earlier married to one Yoganand on 12.06.2013 and they were living separately. While so, she developed relationship with the first accused and later, when it was known to her husband, she filed an application for divorce in H.M.O.P.No.1263 of 2021, before the Principal Family Court, Coimbatore and she has obtained a divorce and thereafter, the first accused refused to marry the de-facto complainant, thereby a complaint was given to the Superintendent of Police, Virudhunagar District. Later, an enquiry was conducted in the All Women Police Station and at that time, the first accused had agreed to marry her. Later, he has refused to marry her and cheated her. The further allegation is that when she has approached the second accused, Selvarani, mother of the first accused, she had threatened the de-facto complainant and her family members. Hence, the case.

3.The learned Counsel for the petitioners would submit that the petitioners are innocence and a false complaint has been given. He would also submit that the first accused and the de-facto complainant were colleagues working in Vodafone office and there was a relationship between the first accused and the de-facto complainant, who is a married woman. Later, on coming to know that the de-facto complainant is a married woman, the first accused has avoided the relationship with the de-facto complainant, whereas, she has given a false complainant, as if the first accused on the promise of marrying her, had sexual intercourse with her and cheated her. He would further submit that the fact remains that during the period, when they were in relationship, the de-facto complainant was not a divorced woman. He would further submit that the second accused is mother of the first accused and she has nothing to do with the alleged offence. Hence, he would seek for anticipatory bail.

4.The learned Government Advocate (crl.side) would submit that the de-facto complainant and the first accused are colleague in a Vodafone office and the de-facto complainant was separated from her husband's house and taking advantage of the same, the first accused had sexual intercourse with her. Later, the de-facto complainant obtained divorce from her husband and she asked the first accused for marrying her and he has refused to marrying her and thereafter, a complaint was given to the Superintendent of Police, Virudhunagar and during enquiry, the the first accused had agreed to marry the de-facto complainant and later refused to marry her. Hence, he would oppose for grant of anticipatory bail to the petitioners

5.The learned Counsel for the intervenor would submit that the first accused on the promise of marrying the de-facto complainant, had sexual intercourse with her and later, refused to marry her and cheated her. Earlier, on the complaint given by the de-facto complainant, an enquiry was conducted by the All Women Police Station and the first accused had agreed to marry the de-facto complainant and later, refused to marry her. Hence, he would object for granting anticipatory bail to the petitioners.



6. Taking into consideration the facts and submissions and also on perusing the materials available on record including the F.I.R., this Court is inclined to grant anticipatory bail to the petitioners with certain 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.II, Virudhunagar., on condition that the petitioners shall execute 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 petitioner in CRL.O.P(MD)No.20287 of 2022 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter as and when required on issuance of summons. The petitioner in CRL.O.P(MD)No.2108 of 2023 shall report before the respondent police everyday at 10.30 a.m., for a period of two weeks, thereafter every Saturday at 10.30 am until further orders.

[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]**.

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

sd/-

14/02/2023

/ TRUE COPY /

/03/2023

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

TO



2 THE CHIEF JUDICIAL MAGISTRATE,
VIRUDHUNAGAR DISTRICT AT SRIVILLIPUTHUR.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.

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

+2 CC to M/S.SUTHAKARAN I Advocate SR.Nos.2288 & 2287

+2 CC to M/S.V.B.Sundhareshwar, Advocate (SR.NOs.2466 & 2465)

ORDER

IN

CRL OP (MD) No.20287 of 2022

Date :14/02/2023

MGJ/MMS/SAR 3/28/02/2023/4P/9C