



CRL OP(MD)No.18704 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 18.10.2023

PRESENT

The Hon`ble MR JUSTICE V.SIVAGNANAM

CRL OP(MD)No.18704 of 2023

1.Selvam

2.Kowsalya @ Gowsalya ... Petitioners/ Accused No. 2 & 3
Vs

The State rep. by,
The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai District.
(Crime No.39 of 2023)

... Respondent/ Complainant

For Petitioners : Mr.K.Saravanan, Advocate

For Respondent : Mrs.M.Aasha,
Government Advocate(Crl.side)

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

PRAYER :-

For Anticipatory Bail in Crime No.39 of 2023 on the file of the Respondent Police.



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ORDER: The Court made the following order :-

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The petitioners, who apprehend arrest at the hands of the respondent police for the offences punishable under Sections 417, 376, 506(i) IPC in Crime No.39 of 2023, seek anticipatory bail.

2.The case of the prosecution is that A1 in this case is the son of the first petitioner herein and he developed love affair with the defacto complainant. On the pretext of marriage, A1 had physical relationship with her and she got pregnant. When the defacto complainant asked to marry her, the same was refused and all the accused threatened her with dire consequences. Hence the case.

3.The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have not committed any offence as alleged by the prosecution. Hence, he seeks anticipatory bail.

4.The learned Government Advocate(Crl.side) appearing for the respondent police would submit that the investigation in this case is not completed.

5.Heard both sides and this Court perused the materials available in the records.

6.Considering the facts and circumstances of the case and taking into consideration of the principle stated by the Honourable Supreme Court in Sanjay Chandra and others vs. CBI reported in (2012)1 SCC 40, this Court is inclined to grant anticipatory bail to the petitioners.

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, Madurai 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:



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[a] the petitioner 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 trial Court on summons.

[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/-
18/10/2023

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/ /2023

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

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TO

1.The Judicial Magistrate No.II,
Madurai.



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2. Do through

The Chief Judicial Magistrate, Madurai.

3.The Inspector of Police,
All Women Police Station,
Thallakulam,
Madurai District.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

ORDER

IN

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Date :18/10/2023

SI/ /SAR- /06.11.2023/4P/5C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023