



CRL OP(MD). No.16779 of 2024

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

Date : 09/12/2024

PRESENT

The HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CRL OP(MD). No.16779 of 2024

Madhan Kumar

... Petitioner/Sole Accused

Vs

1. The State of Tamil Nadu,
Rep By,
The Inspector of Police,
All Women Police Station,
Sivakasi,
Virudhunagar District,
(Cr.No.13 of 2024.)

... Respondent / Complainant

2. Azhagumeena
(R2 Suo-Motu impleaded as Per Order
of the Court dated 03.10.2024 in CrI.O.P.
(MD).16779 of 2024).

... 2nd Respondent

For Petitioner : Mr.G.Thalaimuthurasu, Advocate.

For Respondent No.1 : Mr.B.Thanga Aravindh,
Government Advocate (CrI.Side)

For Respondent No.2 : Mr.H.Mohammed Farook, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS



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PRAYER :-

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For Anticipatory Bail in Crime No.13 of 2024 on the file of the respondent police.

ORDER : The Court made the following order :-

The petitioner / Sole Accused, who apprehends arrest at the hands of the respondent Police for the offence under Sections 417, 376, 313 of IPC in Crime No.13 of 2024 on the file of the respondent Police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner had a love affair with the defacto complainant and on a false promise to marry her, had sexual intercourse with the defacto complainant on various occasions. Subsequently, he refused to marry the defacto complainant and he also forced the defacto complainant to abort the child.

3. The petitioner filed the earlier anticipatory bail petition in Crl.O.P.(MD). No.10317 of 2024 seeking for anticipatory bail and this Court dismissed the petition by an order dated 19.08.2024. The subsequent anticipatory bail petition was filed and the parties were referred to mediation. In spite of best efforts, the parties were not able to come to any settlement. Therefore, a mediation report has been sent with an endorsement that 'no agreement was reached'.

4. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent Police and the



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learned counsel appearing for the second respondent.

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5. Taking into consideration the facts and circumstances of the case and considering the manner in which this incident had taken place and no custodial interrogation may be required in this case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions.

6. Accordingly, the petitioner is ordered to be released on anticipatory bail in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Sivakasi, Virudhunagar, on condition that the petitioner shall execute 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 respondent police or the police officer who intends to arrest or to the satisfaction of the said Magistrate, on further condition that:

[a] if the petitioner fails to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled;

[b] the petitioner shall report before the respondent police daily at 10.30 a.m. for a period of three weeks and thereafter, as and when required for interrogation;

[c] the petitioner shall not tamper with evidence or witness either during investigation or trial;

[d] the petitioner shall not abscond either during investigation or trial;



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[e] 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 law as if the conditions have been imposed and the petitioner 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]; and;

[f] if the accused thereafter absconds, a fresh FIR can be registered under Section 269 of BNS 2023.

sd/-
09/12/2024

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/12/2024
Sub-Assistant Registrar
(C.S.I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TSG

To

1.The Judicial Magistrate No.I,
Sivakasi, Virudhunagar District.

2.Do through the Chief Judicial Magistrate,
Virudhunagar District at Srivilliputhur.

3.The Inspector of Police,
All Women Police Station,
Sivakasi, Virudhunagar District.



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

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-15238[I] dated
11/12/2024)

ORDER
IN
CRL OP(MD) No.16779 of 2024
Date :09/12/2024

ED/ SKN /SAR- (18/12/2024) 5P / 6C

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