



CRL OP(MD)No.17917 of 2024

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

Date : 19.10.2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD)No.17917 of 2024

1. Muhammad Rizhwan
2. Manikandan
3. Jahir Ussane

... Petitioners/ Accused Nos. 1 to 3

Vs

The Inspector of Police,
All Women Police Station,
Kumbakonam, Thanjavur District.
Crime No.12 of 2024

... Respondent/ Complainant

For Petitioners: Mr.S.Arjun,
Advocate.

For Respondent : Mr.R.M.Anbunithi
Additional Public Prosecutor

For Intervenor : Mr.J.Milton Arul Rajendran

PETITION FOR ANTICIPATORY BAIL UNDER SECTION 482 OF BNSS

PRAYER :-

For Anticipatory Bail in Crime No.12 of 2024 on the file of the Respondent police.

ORDER : The Court made the following order :-

The petitioners / Accused, who apprehend arrest at the hands of the respondent



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police for the offences punishable under Sections 417, 420 and 506(i) of IPC, in Crime

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No.12 of 2024, seek anticipatory bail.

2.The case of the prosecution is that the defacto complainant has lodged a complaint on 13.10.2024, stating that she was working in the jewelry shop belonging to the first petitioner herein and she joined employment in January, 2024. Thereafter, the first petitioner threatened her and also sent messages to her cell phone and he took her to various places in his car and had sexual intercourse with her. Thereafter, the first petitioner started avoiding her. When the same was questioned by the defacto complainant, the second and third petitioners threatened her. Thereafter, the third petitioner forcibly took her in a car and attacked her and the money which was given by the first petitioner was also taken back by them. Hence, the complaint.

3.Heard the learned counsel on either side and perused the material records of the case.

4.The learned Counsel appearing for the defacto complainant oppose for grant of anticipatory bail. According to him, A-1 had sexual intercourse with the defacto complainant by promising that he will marry her, and A-2 and A-3 being his henchman, abducted her and also snatched her mobile phone and now, her mobile phone is in the custody of A-2 and A-3.

5.It can further be seen that on 25.01.2019, the very same defacto complainant



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has lodged a complaint before the, Inspector of Police, All Woman Police Station, Nannilam, against one Tamilarasan, by stating that the said Tamilarasan had sexual intercourse with her by promising that he will marry her and thereby, cheated her. Since as per the averment, it is seen that the intercourse was before the age of 18 years, the case was registered under the POCSO Act, and it is stated that after trial, the said accused has been acquitted by the concerned Court. Further, it is brought to the notice of this Court that the very same defacto complainant has also lodged a complaint on 28.08.2023 before the respondent and another case has been registered in Crime No.14 of 2023. In the said complainant, the defacto complainant has stated that she was working in the Vasanthapriya Jewellery Shop, Kumbakonam, for a period of two years. During the said time, one Ramprasad, proposed that he is in love with her and he also had sexual intercourse with her by promising that he will marry her and thereby, cheated her. The said case is said to be pending.

6.This apart, from the first petitioner herein by way of settlement, it is alleged that a sum of Rs.4,00,000/- is being taken and the first petitioner had executed an affidavit with reference thereof. It is seen that a sum of Rs.4,00,000/- is paid to the defacto complainant by the first petitioner. The allegation in the FIR is that the said money was taken away by the other accused.

7.Considering the overall facts and circumstances of the case, this is a fit case for



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enlarging the petitioners on anticipatory bail.

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8. Accordingly, this Petition is allowed and the petitioners are ordered to be released on bail in the event of arrest or their 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, Kumbakonam, 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions 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 petitioners shall report before the respondent police daily at 10.30 a.m., for a period of two weeks and thereafter, as and when required for interrogation. It is made clear that no relaxation of the condition for the said period will be entertained by this court;

(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;



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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 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]; and;

(f) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

9. It is also stated that the first petitioner had also lodged a complaint on 15.10.2024, before the Superintendent of Police, Thanjavur. The said complaint shall be forwarded to the same Investigation Officer and the same can also be taken up for preliminary enquiry by the self same Investigation Officer and after the preliminary enquiry, if necessary, the case can also be registered and taken up for enquiry. The Superintendent of Police, Thanjavur, shall also supervise the entire investigation.

sd/-
19/10/2024

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/ 11 / 2024
Sub-Assistant Registrar (C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

JBR
TO



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1 THE JUDICIAL MAGISTRATE
NO.1, KUMBAKONAM.

2 DO-THROUGH
THE CHIEF JUDICIAL MAGISTRATE,
THANJAVUR DISTRICT AT KUMBAKONAM.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION KUMBAKONAM
THANJAVUR DISTRICT

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

COPY TO

THE SUPERINTENDENT OF POLICE, THANJAVUR.

ORDER
IN

CRL OP(MD) No.17917 of 2024

Date :19/10/2024

PSP/ GSV /SAR /21.11.2024/ 6P/ 6C

Madurai Bench of Madras High Court is issuing certified
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