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CRL OP(MD). No.18388 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 24/10/2024

PRESENT

The Hon`ble Mr.Justice D.BHARATHA CHAKRAVARTHY

CRL OP(MD). No.18388 of 2024

Jackson,

... Petitioner/Sole Accused

Vs

The Inspector of Police,
All Women Police Station,
Thiruchendur,
Thoothukudi District.
Crime No. 11/2021.

... Respondent/Complainant

For Petitioner : Mr.S.R.Anbarasu, Advocate.

For Respondent : Mr.A.Albert James,
Government Advocate (Crl.Side)

PETITION FOR ANTICIPATORY BAIL Under Sec.482 of BNSS

PRAYER :-

For Anticipatory Bail in Crime No.11 of 2021 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 offences punishable under Sections 417 and 376 of IPC, in Cr.No.11 of 2021, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had committed penetrative sexual assault upon the defacto complainant by giving a false promise that he would



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marry her. Hence, the complaint.

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3. Heard both sides.

4. Considering the nature of the allegations in this case that the petitioner is said to have performed the registration of the marriage with the defacto complainant and already in with similar types of allegations, FIR was being quashed by this Court, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

5. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned (*)Judicial Magistrate, Sathankulam 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 to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further conditions that:

(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 petitioner 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;



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(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;

(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 229-A IPC.

sd/-
24/10/2024

(*)Amended as per order of this Hon'ble Court in CRL MP(MD).12898/2024 in CRL OP(MD).18388/2024 Dated 28/11/2024

Further time is extended by one week from the date of receipt of a copy of this order to comply the order of this Court in Crl.O.P. (MD)No.18388/2024 dated 24.10.2024.

It is made clear that no further extension of time will be granted.

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/12/2024

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



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TO

TO BE SUBSTITUTED WITH THE ORDER ALREADY DESPATCHED ON
21/11/2024

1 THE JUDICIAL MAGISTRATE, THIRUCHENDUR, THOOTHUKUDY DISTRICT.

2 THE JUDICIAL MAGISTRATE, SATHANKULAM.

3 DO THROUGH THE CHIEF JUDICIAL MAGISTRATE, THOOTHUKUDI.

4 THE INSPECTOR OF POLICE, ALL WOMEN POLICE STATION,
THIRUCHENDUR, THOOTHUKUDI DISTRICT.

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

ORDER IN
CRL OP(MD) No.18388 of 2024
Date :24/10/2024

KVL/18.11.2024 4P/6C

RS/VR/SAR-(09.12.2024) 4P 6C

Madurai Bench of Madras High Court is issuing
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