



CRL OP(MD) No.18807 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Thursday, the Fifteenth day of February Two Thousand and Twenty Four
PRESENT
The Hon`ble Mr.Justice M.DHANDAPANI
CRL OP(MD) No.18807 of 2023

DURAISELVAN

... Petitioner / Accused No.1

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
THOOTHUKUDI
(CRIME NO. 27/2023)

... Respondent / Complainant

For Petitioner : M/s.M.Gurudas, Advocate

For Respondent : Mr.S.Manikandan,
Government Advocate (CrI. Side)

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

PRAYER : FOR ANTICIPATORY BAIL IN CRIME NO. 27 OF 2023 ON THE FILE
OF THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner/A1, who apprehends arrest at the hands of the respondent police for the alleged offence under Sections 417, 294(b), 506(i) of IPC, in Cr.No.27 of 2023, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that on 12.09.2022, the petitioner had sexual intercourse with the defacto complainant by giving a false promise that he will



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marry her. Thereafter, she become pregnant and the same was aborted. The defacto complainant went to the house of the petitioner and asked her to marry her. At that time, the father of the petitioner abused the defacto complainant in filthy language and threatened her with dire consequences. Hence, the complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner has not committed any offence as alleged by the prosecution. He would further submit that the defacto complainant is having a habit of making complaint against the persons and thereafter, grabbing huge money from them. Earlier, she also made a complaint against one Jose Devanand and the same was registered in Crime No.8 of 2022 on 26.03.2022. However, the present complaint was lodged within 1 year i.e., on 08.08.2023. The earlier complaint was ended in compromise by settling huge money to the defacto complainant. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State would submit that already two complaints were lodged against the petitioner. However, again, he had physical relationship with the defacto complainant. Thereby, the defacto complainant made the present complaint against him. Hence, he vehemently, opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering



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the fact that the defacto complainant already made a complaint against one Jose Devanand for the very same allegation and subsequently, made a complaint against the petitioner, this court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6. Accordingly, the petitioner is ordered to be released on 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.4, Thoothukudi, 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 learned Magistrate concerned and on further condition that:

(a) if the petitioner failed to surrender before the concerned Magistrate within a period of 15 days from the date of receipt of a copy of this order, this order shall stand automatically cancelled;

(b) the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

(c) 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



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required for interrogation;

(e)the petitioner shall not tamper with evidence or witness either during investigation or trial;

(f)the petitioner shall not abscond either during investigation or trial;

(g)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;

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

sd/-
15/02/2024

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/02/2024
Sub-Assistant Registrar
(C.S. I / II / III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS



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To தலைவர் அவர்கள்

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1.The Judicial Magistrate No.IV,
Thoothukudi.

2.Do through the Chief Judicial Magistrate,
Thoothukudi District.

3.The Inspector of Police,
All Women Police Station,
Thoothukudi.

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

+1 CC to M/s.M.GURUDAS, Advocate (SR-1982[I] dated 16/02/2024)

ORDER
IN

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Date :15/02/2024

ED/ JGB /SAR- (20/02/2024) 5P / 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from
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