



CRL OP(MD) No.20156 of 2023

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

Friday, the Fifth day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.20156 of 2023

SUBAHARAN

... PETITIONER/SOLE ACCUSED

Vs

THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION (AWPS),
THOOTHUKUDI DISTRICT.
(CRIME NO.15/2022).

... RESPONDENT/COMPLAINANT

For Petitioner : Mr.R.RAMACHANDRAN, Advocate

For Respondent : Mr.SS.MADHAVAN, Govt. Advocate (Crl. Side)

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

PRAYER:- FOR ANTICIPATORY BAIL IN CRIME NO.15/2022 ON THE FILE OF
THE RESPONDENT POLICE.

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for
the alleged offence under Sections 376 and 417 IPC, in Crime No.15 of 2022, seeks
anticipatory bail.

<https://www.mhc.trngov.in/judis> 2. The case of the prosecution is that the accused and the defacto complainant



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had loved each other and the accused has borrowed 10 sovereigns of gold jewels from the defacto complainant by stating that he will return the jewels within two days, since he has huge debt, however, he refused to repay the gold jewels and marry her. Hence this complaint.

3.The learned counsel appearing for the petitioner would submit that the petitioner did not commit any offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he would further submit that the petitioner is ready to pay a sum of Rs.3,50,000/- to the defacto complainant by way of demand draft without prejudice to his rights and contentions and the trial Court may disburse the said amount to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant that if the petitioner succeeds in the trial, liberty may be granted to the petitioner for refund of the said amount. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.side) appearing for the respondent Police submitted that the investigation is yet to to be completed.

5. Considering the facts and circumstances of the case and the fact that the petitioner is ready to pay a sum of Rs.3,50,000/- to the de-facto complainant by way of demand draft without prejudice to his rights and contentions, I am inclined to grant anticipatory bail to the petitioner.



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6. Accordingly, the petitioner is granted anticipatory bail and he 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.IV, 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 is directed to take a demand draft to the tune of Rs.3,50,000/- (Rupees Three Lakhs Fifty Thousand only) in the name of the defacto complainant without prejudice to his defence before the trial Court and produce the same before the trial Court and the trial Court shall in turn issue the said draft to the defacto complainant, after obtaining appropriate affidavit from the defacto complainant



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amount;

that if the petitioner succeeds in the trial, he is entitled for refund of the said amount;

(d)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;

(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/-
05/01/2024

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/01/2024
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.



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SSB

TO

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1 THE JUDICIAL MAGISTRATE NO.IV,
THOOTHUKUDI DISTRICT.

2 DO THROUGH THE CHIEF JUDICIAL
MAGISTRATE, THOOTHUKUDI DISTRICT.

3 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION (AWPS),
THOOTHUKUDI DISTRICT.

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

+1 CC to M/s.A.ROBINSON, Advocate (SR-329[I] dated 08/01/2024)

ORDER

IN

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Date :05/01/2024

SA/JGB/SAR. /23.01.2024/5P/6C

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