



CRL OP(MD) No.21673 of 2023

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

Wednesday, the Third day of January Two Thousand and Twenty Four

PRESENT

The Hon`ble Mr.Justice M.DHANDAPANI

CRL OP(MD) No.21673 of 2023

G.P. DURAI

... PETITIONER / ACCUSED No.2

Vs

**THE INSPECTOR OF POLICE
PERIYAKULAM POLICE STATION,
THENI DISTRICT.
(CRIME NO.341/2023)**

... RESPONDENT / COMPLAINANT

For Petitioner : M/S.MADHAN KUMAR.S 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. 341 OF 2023 ON THE FILE OF
THE RESPONDENT POLICE.**

ORDER : The Court Made the following order :-

**The petitioner/A2, who apprehends arrest at the hands of the respondent
police for the alleged offence under Sections 294(b), 509, 354D(1)(ii) & 506(1) of IPC in**

Crime No.341 of 2023, seeks anticipatory bail.

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CRL OP(MD) No.21673 of 2023

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2.The case of the prosecution is that the defacto complainant is the mother of the victim girl. The petitioner is the paternal uncle of A1. Both parties are residing in the same street. The defacto complainant made a steps to arrange the marriage for the victim girl. On knowing the same, A1 said to have went to the house of the defacto complainant and threatened her to arrange the marriage between him and her daughter. When the same was refused by her, he posted the photos and videos of the daughter of the defacto complainant in the social media with an intention to affect her image and future in the Society. Hence, the defacto complainant made a complaint to the petitioner, who is the paternal uncle of A1, about the activity of A1. But, instead of giving warning to A1, he also made threat to the defacto complainant and insisted her to arrange the marriage for the victim girl with A1. Hence, the present complaint has been given by the defacto complainant against the accused persons and the Law Enforcing Authority, registered a case against them.

3.The learned counsel appearing for the petitioner submitted that the petitioner has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the victim girl and A1 loved each other for more than 5 years. In past days, they were also in relationship. Due to

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CRL OP(MD) No.21673 of 2023

communal problem, the defacto complainant refused to give consent for their marriage. He further submitted that the petitioner herein is being maternal uncle of A1 and A1 and the victim girl loved each other, he supported for their marriage. Except that, no specific overt act is attributed against the petitioner. A1 was already granted anticipatory bail by this Court in Crl.OP(MD)No.22050 of 2023 on 07.12.2023. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl.Side) appearing for the State submitted that without consent from the victim girl, A1 posted the photos and videos of the victim girl in the social media with an intention to affect her image and future in the society. The petitioner herein also supported the activities of A1 without considering the future of the victim girl. Hence, he strongly opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances of the case and also considering the fact that A1 has already been released on anticipatory bail by this Court, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is granted anticipatory bail and he is ordered to be



CRL OP(MD) No.21673 of 2023

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 Judicial Magistrate Court, Periyakulam, 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 his 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 his identity;

(c) the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders;

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

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



CRL OP(MD) No.21673 of 2023

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(f)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;

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

sd/-
03/01/2024
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/01/2024
Sub-Assistant Registrar
(C.S.I /II /III /IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

DSS
TO

- 1 THE JUDICIAL MAGISTRATE,
PERIYAKULAM.
- 2 DO THROUGH:
THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
- 3 THE INSPECTOR OF POLICE
PERIYAKULAM POLICE STATION,
THENI DISTRICT.

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CRL OP(MD) No.21673 of 2023

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

ORDER
IN
CRL OP(MD) No.21673 of 2023
Date :03/01/2024

PKP/VR/SAR- /08.01.2024/ 6P/ 5C

Madurai Bench of Madras High Court is issuing certified
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