

Crl.O.P.No.14364 of 2015**R.SUBBIAH, J.**

Apprehending arrest at the hands of the respondent-police, in respect of the alleged commission of offences punishable under Sections 342, 417 IPC r/w Section 4 of Women Harassment Act in Crime No.7 of 2015, the petitioner has approached this Court seeking the relief of anticipatory bail under Section 438 of the Code of Criminal Procedure.

2.The case of the prosecution, in brief, is as follows:-

The defacto-complainant is a B.C.A., degree holder. After completion of her studies, she made a search for a job. Through her relatives, she came to know that there is a vacancy in Sri Ram Machine Works at Tharapuram and she approached the said company. The petitioner herein, who is the proprietor, enquired the defacto-complainant and appointed her as a company staff. Thereafter, the petitioner/accused approached the defacto-complainant with sweet quoted words and by giving assurance to the defacto-complainant that he would marry her, he had physical relationship with her. The petitioner/accused arranged a separate house, which is very near to his company. Thereafter, there is a change in the activities of the petitioner/accused and he received 15 sovereigns gold ornaments and cash of R.2 lakh from the defacto-complainant for the

purpose of investment to increase the business turnover. Subsequently, the relatives and family members of the petitioner/accused threatened the defacto-complainant to vacate the house and also they made an attempt to finish the defacto-complainant. In the month of July, 2014, the defacto-complainant and the petitioner/accused came to chennai and they got a rental house at Velacherry and the petitioner/accused gave a sum of Rs.1 lakh to the house owner as advance. But, whenever the defacto-complainant insisted the petitioner/accused to marry her, he evaded the marriage proposal. While so, all of a sudden, the petitioner/accused returned to his native place and thereafter, he did not turned up to Chennai and thus, cheated the defacto-complainant. Hence, the present complaint has been lodged by the defacto-complainant.

3.The learned counsel for the petitioner/accused submitted that it is a false case foisted against him. Already the petitioner is a married man and he is also having a four years old child. Further, originally in the complaint lodged by the defacto-complainant, there was no allegation with regard to the offence under Section 376 IPC, but subsequently the said offence has been added only to harass the petitioner herein. The learned counsel for the petitioner would further submit that absolutely no custodial interrogation is necessary in this case. Thus, he sought for the relief of anticipatory bail.

4.The learned counsel for the intervener opposed the grant of anticipatory bail to the petitioner stating that by giving false promise to the defacto-complainant that he would marry her, the petitioner herein had psychical relationship with her and thereafter, he refused to marry her.

5. I have heard the learned Government Advocate (Crl.Side) also.

6. Considering the facts and circumstances of the case, I am of the opinion that anticipatory bail could be granted to the petitioner by imposing stringent conditions. Accordingly, the petitioner is directed to be released on bail, in the event of his arrest or on his appearance before the concerned Court, on his executing 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 learned Judicial Magistrate, Dharapuram, and on further condition that the petitioner shall report before the respondent-police daily at 10.30 a.m. until further orders.

7.The petitioner shall appear before the concerned Court within a period of 15 days from the date of receipt of a copy of this order, failing which, the anticipatory bail granted shall stand automatically cancelled.

24.06.2015

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