

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the Sixth day of June Two Thousand Eighteen

PRESENT

The Hon`ble Mr Justice A.D.JAGADISH CHANDIRA

CRIMINAL ORIGINAL PETITION No.14783 of 2018

1 S.SATHYANAATH
2 S.VISHAL RAGHAV

[PETITIONERS / ACCUSED]

Vs

STATE REP. BY,
INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GUINDY, CHENNAI DIST.
CR.NO. 06 OF 2018

[RESPONDENT]

For Petitioner : M/S.M.DEIVANANDAM Advocate

For Respondent : MR. C.IYYAPPARAJ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offence punishable under Sections 417, 352 and 506(ii) of IPC, in Crime No.6 of 2018, seek anticipatory bail.

2. The offence is stated to have been committed on 01.05.2000. The case of the prosecution as per the de-facto complainant Lakshmi is that she was employed as a Personal Secretary under the first petitioner (A1) during the year 2000 and the first petitioner (A1) continue to have sexual intercourse by promising to marry her and living together for more than 15 years. While so, during February, 2017, the first accused abused the defacto complainant with filthy language and assaulted her. The allegation against the second petitioner is that when the defacto complainant asked the first petitioner(A1) to marry her, the second petitioner (A2) had threatened her to leave the office otherwise she will face dire consequences.

3. The learned counsel for the petitioners would submit that the first petitioner (A1) and the defacto complainant have been having consensual relationship for the past 15 years, whereas, due to some misunderstanding, a false complaint has been given against them. He would further submit that the second petitioner(A2) is the son of the first petitioner(A1) and he has been falsely implicated in this case. Therefore, they may be granted anticipatory bail.

4. The learned Additional Public Prosecutor submitted that the defacto complainant was employed under the first petitioner (A1) in

the year 2000, under the promise of marrying her, the first petitioner (A1) had sexual intercourse with her, due to which, she conceived and she was also made to abort the foetus.

5. I have gone through the FIR. Taking into consideration the facts of the case and the submissions made by the counsels, I am inclined to grant anticipatory bail to the petitioners subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned IX Metropolitan Magistrate, Saidapet, Chennai, on condition that each of the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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 said Magistrate, on further condition that:

[a] if the petitioners failed to surrender before the said Magistrate within a period of fifteen days from the date of receipt of a copy of this order, this Order shall stand automatically cancelled.

[b] the first petitioner shall report before the respondent police daily at 10.30 a.m until further orders and the second petitioner shall report before the respondent police daily at 8.00 p.m., for a period of two weeks and thereafter, as and when required for interrogation.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[f] If the accused thereafter abscond, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

06/06/2018

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE METROPOLITAN MAGISTRATE,
NO.IX, SAIDAPET, CHENNAI

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
GUINDY, CHENNAI DIST.

+1 CC to M/S.M.DEIVANANDAM Advocate on payment of necessary
charges SR.NO. 10065

CRL OP.14783/2018

Date :06/06/2018

RD 11/06/2018