

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Friday, the Twenty Seventh day of July Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.15927 of 2018

1 P.VELUSAMY,
2 R.PRASANTH,

[PETITIONERS / ACCUSED]

Vs

STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAPALANI, CHENNAI.
CR.NO.9 OF 2018.

[RESPONDENT]

For Petitioner : M/S.R.GOKULAKRISHNAN Advocate

For Respondent : MR. M.MOHAMED RIYAZ, ADDL. PUBLIC PROSECUTOR

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

ORDER : The Court Made the following order :-

The petitioners seek anticipatory bail in Crime No.9 of 2018 registered by the respondent for the alleged offence punishable under Sections 417, 420 and 506(i) of IPC.

2. The case of the prosecution as per the defacto complainant one Francis Rani is that she got acquainted with Vinoth Kumar (A1) during the year 2009 and that from the year 2010, they became close and living as husband and wife and thereby, she became pregnant during the year 2011 and when she had insisted the first accused to marry her, he had told that his elder sister has not been married and thereby, asked her to abort her pregnancy. On 07.04.2011 she aborted the pregnancy in the hospital and the first accused signed as husband. The further allegation is that from the year 2010, the first accused had taken the entire salary of the defacto complainant and that he had been transferring the amount in the account of his family members. The further allegation is that the first accused had asked her to convert to his religion. While so, on 02.05.2018, the defacto complainant received an information that the first accused got engaged to one Vijayalakshmi at Trichy and when she had called the first accused over phone, he had disconnected the phone and thereafter, he had not spoken to her. The further allegation is that on 03.05.2018, the first accused along with the petitioners herein have gone to the house of the defacto complainant and threatened her.

3. The learned counsel for the petitioners would submit that the first petitioner is the brother-in-law of the first accused and the second petitioner is the brother of the first accused and that they are not aware of the relationship between the first accused and the defacto complainant. He would submit that admittedly, as per the complaint, the defacto complainant and the first accused have been living as husband and wife for several years and that nothing had been stated as if the petitioners are aware of the relationship between the first accused and the defacto complainant. He would submit that the petitioners are innocent and they have been falsely implicated in this case.

4. The learned Additional Public Prosecutor would submit that the first accused in this case one Vinoth Kumar(A1) induced the defacto complainant on the promise of marrying her, had sexual intercourse and they lived as husband and wife, due to which, she got pregnant and the first accused insisted her to abort the pregnancy saying that his elder sister has not married and thereafter, threatened her.

5. I have gone through the FIR. Taking into consideration the facts of the case and the submissions made by the learned counsel on either side, 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 before the learned XVII Metropolitan Magistrate, Saidapet, Chennai, within a period of fifteen days from the date of receipt of a copy of this order on their 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 the said Magistrate, on further condition that:

[a] if the petitioners fail to surrender before the said Magistrate within a period of fifteen days, this order shall stand automatically cancelled.

[b] the petitioners shall report before the respondent police daily at 10.30.a.m for a period of one week 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/-
27/07/2018

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.XVII, SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN
MAGISTRATE, EGMORE, CHENNAI.
[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 STATE REPRESENTED BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VADAPALANI, CHENNAI.

+1 CC to M/S.R.GOKULAKRISHNAN Advocate on payment of necessary charges-Sr.14074

WEB COPY
CRL OP.15927/2018
Date :27/07/2018

ths : 03.08.2018