

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Wednesday, the First day of August Two Thousand Eighteen

PRESENT

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

CRIMINAL ORIGINAL PETITION No.18173 of 2018

A.KALAIYARASAN

[PETITIONER / ACCUSED]

Vs

STATE OF TAMILNADU

[RESPONDENT]

REP. BY INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ULUNDURPET TALUK,
VILLUPURAM DISTRICT.
CR.NO.15 OF 2017

For Petitioner : M/S.S.SARAVANA KUMAR 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 petitioner seeks anticipatory bail in Crime No.15 of 2017 registered by the respondent police for the offences punishable under Sections 147, 417, 376, 498, 493, 506(i), 379, 212 and 109 of IPC.

2. The case of the prosecution is that the first accused, on the false promise of marrying the defacto complainant, had sexual assault on her and thereafter, had also taken the jewels belonging to her.

3. The learned counsel for the petitioner submitted that the petitioner is innocent and he has been falsely implicated in this case based on the confession recorded from on Antonyamy, who was arrested. He would submit that other than being the maternal uncle of the first accused, the petitioner has no role and that the petitioner's name does not find a place in the FIR. He would submit that co-accused have been granted anticipatory bail in CrI.O.P.No.22389 of 2017 on 30.10.2017.

4. The Additional Public Prosecutor would submit that the first accused in this case had on the promise of marrying the defacto complainant, committed sexual assault on her and had also taken away the jewels from her. He would submit that the allegation against the petitioner is that he had accommodated the first accused at his house.

5. Taking into consideration the facts of the case and the submissions made by the counsel on either side, I am inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner 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-I, Ulundurpet, Villupuram District, 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 said on further condition that:-

[a] if the petitioner fail to surrender before the concerned Magistrate, within a period of fifteen days, this Order shall stand automatically cancelled.

[b] 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.

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

[d] the petitioner 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 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]**.

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

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-sd/-
01/08/2018

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 JUDICIAL MAGISTRATE,
NO.I, ULUNDURPET, VILLUPURAM DISTRICT

2 THE CHIEF JUDICIAL MAGISTRATE
VILLUPURAM[FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

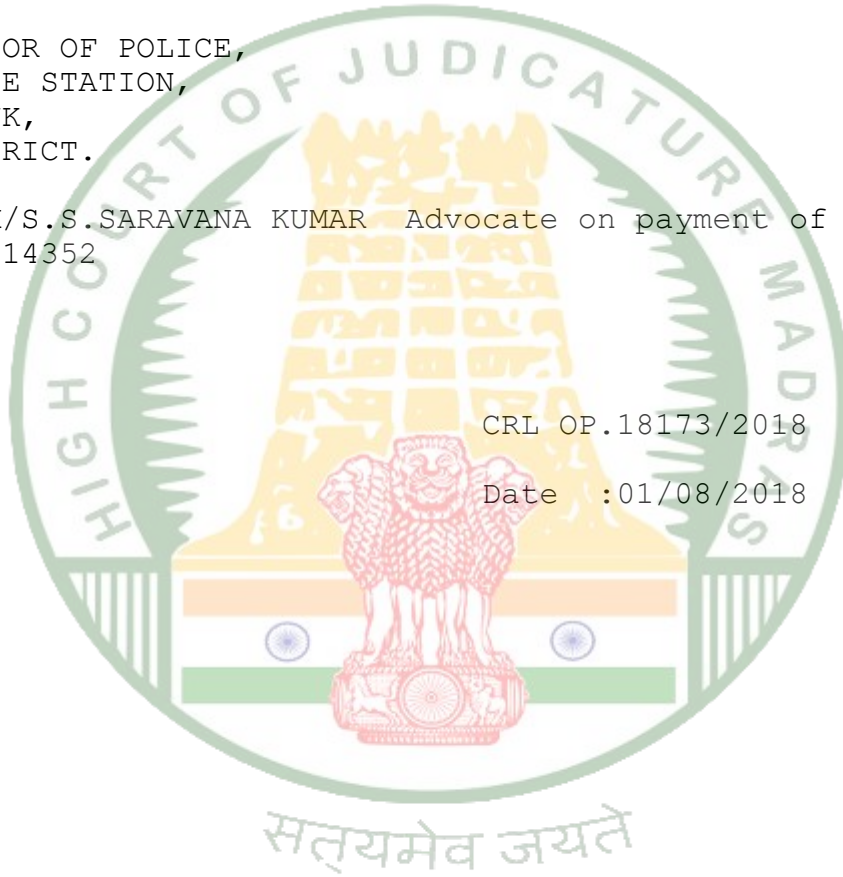
4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
ULUNDURPET TALUK,
VILLUPURAM DISTRICT.

+1 CC to M/S.S.SARAVANA KUMAR Advocate on payment of necessary
charges SR.NO. 14352

RD 07/08/2018

CRL OP.18173/2018

Date :01/08/2018



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