

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

CRL.O.P.No.7105 of 2020

Baskaran

... Petitioner/1st Accused

Vs.

The State Represented by,
The Inspector of Police,
All Women Police Station,
Tiruvannamalai Town,
Tiruvannamalai District.
In Crime No.1/2019

... Respondent/Prosecution

PRAYER: Criminal Original Petitioner has been filed under Section 438 Cr.P.C to enlarge this petitioner/A-1, on bail in the event of his arrest in Crime No.1 of 2019, on the file of the respondent/The Inspector of Police, All women Police Station, Tiruvannamalai Town and District.

For Petitioner : Mr.S.Vediappan

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

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ORDER

The petitioner, who apprehends arrest at the hands of the respondent Police for alleged offences under sections 354B, 498A and 406 of IPC and Section 4 of the Tamil Nadu Prevention of Harassment against Women Act in Crime No.5 of 2020, has filed

this petition seeking for Anticipatory Bail.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondent Police.

3. Considering the facts and circumstances of this case and also the specific stand taken by the respondent Police to resort to the procedure under Section 41A of the Code of Criminal Procedure, this Court directs the respondent Police to follow the procedure set out in Section 41A of the Code of Criminal Procedure. The respondent Police shall issue an appearance notice to the accused in the form and manner set out in the proceedings of the Director General of Police, Tamil Nadu, viz., the Circular Memorandum in RC.No.000252/Crime 4(2)/2019 dated 30.01.2019, as amended vide Circular Memorandum RC.No.000252/Crime 4(2)/2019 dated 07.02.2019. The petitioner shall comply with the terms of the notice and shall also co-operate with the investigation.

4. If the petitioner complies and continues to comply with the terms of the notice, he shall not be arrested for the offences referred to therein. If, however, arrest is deemed necessary after the appearance of the petitioner, the Investigation Officer shall record reason for such an eventuality as contemplated under Section 41A (3) of the Code of

Criminal Procedure, and shall adhere to the directions set out by this Court in ***State .Vs. Nakeeran Gopal*** reported in ***[2019 1 LW (Crl.) 26]***.

5. If the petitioner evades service of appearance notice or fails to comply with the terms of the notice or appears to be unwilling to identify himself when called upon, it shall be open to the respondent Police to proceed under Section 41A(4) of the Code of Criminal Procedure, to arrest the accused.

This Criminal Original Petition is allowed with the aforesaid directions.

09.06.2020

Index: Yes/No

Internet: Yes/No

Speaking/Non-Speaking order

Dua

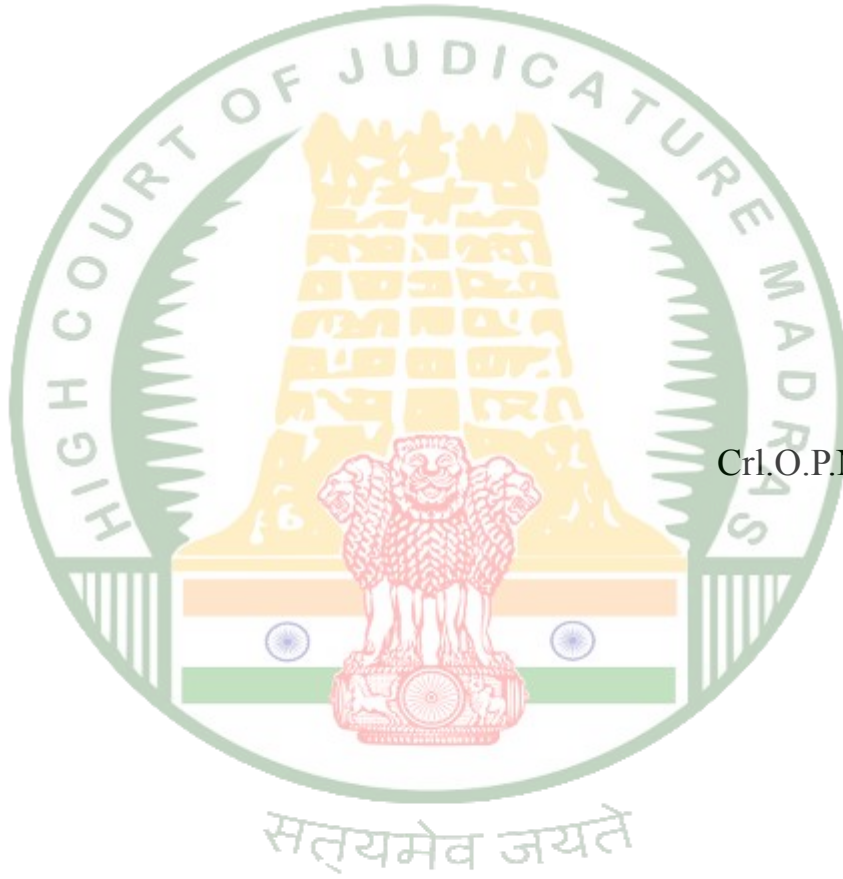
To

1.The Inspector of Police,
All Women Police Station,
Tiruvannamalai Town,
Tiruvannamalai District.

2.The Public Prosecutor,
High Court, Madras.

N.ANAND VENKATESH., J.

dua/rka



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