

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.07.2020

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

Crl.O.P.No.9831 of 2020

Azhumalai

... Petitioner/A4

Vs.

State by The Inspector of police,
All Women Police Station,
Virudhachalam,
Cuddalore District.
(Crime No.8 of 2020) ... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to enlarge the petitioner on bail in the event of his arrest in Crime No.8 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.N. Arun Kumar

For Respondent : Mr.M.Mohamed Riyaz,
Additional Public Prosecutor

O R D E R

The petitioner who apprehends arrest at the hands of the respondent police for the offences punishable under Sections 294(b), 376, 417 and 506(ii) of IPC in Crime No.8 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that A1 made a false promise to marry the defacto complainant and had sexual intercourse with her. Thereafter, A1 refused to marry the defacto complainant. Hence the complaint.

3. The learned counsel for the petitioner submitted that A1 fell in love with the defacto complainant and thereafter there was misunderstanding between them. He also submitted that A2 and A3 have granted anticipatory bail in Crl.O.P.No.9113 of 2020, dated 26.06.2020 before this Court. He further submitted that a false case has been foisted against him. Hence, he seeks to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that A1 has committed rape on the pretext of marriage and thereafter cheated the defacto complainant. He also submitted that A4 is a relative of A1. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Considering the facts and circumstances, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

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 on which the order copy made ready, before the learned Judicial Magistrate No. I, Virudhachalam 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 Magistrate concerned, failing which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioner and their sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioner shall appear 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 absconds, a fresh FIR can be registered under Section 229A IPC.

-sd/-
01/07/2020

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,
VIRUDHACHALAM

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE DISTRICT [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VIRUDHACHALAM, CUDDALORE DISTRICT

CC to M/S. S.N.ARUNKUMAR Advocate on payment of necessary charges

CRL OP.9831/2020

Date : 01/07/2020

GKS (MK) : 06/08/2020

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