

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.07.2020

CORAM :

THE HON'BLE Mr. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.10815 of 2020

Kumutha

.... Petitioner

-Vs-

The State Represented by
The Inspector of Police,
AWPS, Cheyyar,
Tiruvannamalai District.
(Crime No.3 of 2020).

..... Respondent

Prayer: Criminal Original Petition is filed under Section 439 of Criminal Procedure Code, to enlarge the petitioner on bail in Crime No.3 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Magesh Kumar

For Respondent : Mr.T.Shanmugarajeswaran,
Government Advocate (Crl. Side)

O R D E R

(The case has been heard through video conference)

The petitioner, who was arrested on 28.06.2020, for the offences punishable under Sections 417, 376 and 506(i) of IPC, in Crime No.3 of 2020 on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the *de facto* complainant Raseetha is that Al in this case Sathiyaraj, on the false promise to marry her, had sexual intercourse with her on several occasions. Thereafter, he had blocked her phone number. The *de facto* complainant had given a complaint to important persons in the village and when they enquired him, he had agreed to marry her. While so, on 01.04.2020, the *de facto* complainant was called by the parents of the accused Sathiyaraj and when she had gone to their house, the petitioner and her husband had intimidated her by saying that marriage was fixed for Sathiyaraj with one Narmadha and she should not cause trouble.

3.The learned counsel for the petitioner would submit that the petitioner is the mother of the main accused Sathiyaraj and she was not at all aware of the relationship between her son and *de facto* complainant. He would submit that since her son has absconded from the village and the defacto complainant unable to find him, had roped in the petitioner and her husband falsely in this case as if, they threatened her. He would further submit

that the petitioner is in judicial custody from 28.06.2020. Hence, he prays for grant of bail to the petitioner.

4.The learned Government Advocate (Crl. Side) appearing for the respondent would submit that the son of the petitioner, on the false assurance of marrying the *de facto* complainant, had sexual intercourse with her and thereafter, cheated her. He would submit that the petitioner and her husband had threatened the *de facto* complainant and that during the course of investigation, it came to light that the main accused has kidnapped another girl and a case has been registered against him in Crime No.1426 of 2020 by Thoosi Police Station.

5.Taking into consideration of the facts and circumstances of the case and the fact that the petitioner is the mother of A1 and the allegation is only in respect of criminal intimidation, this Court is inclined to grant bail to the petitioner subject to the following conditions:-

(a) Accordingly, the petitioner is ordered to be released on bail on executing her own bond for a sum of Rs.10,000/- (Rupees ten thousand only) each, before the Superintendent of the concerned prison, in which the petitioner have been confined thereafter on her release;

(b) the Petitioner shall execute two sureties for a sum of Rs.10,000/- (Rupees Ten Thousand only) each, before the learned Sessions Judge, Mahila Court (FTC), Tiruvannamalai, within 15 days from the date of lifting of the lockdown or the commencement of the Court's normal functioning, whichever is earlier, failing which, the bail granted by this Court shall stand dismissed automatically;

(c) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Magistrate may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity;

(d) the petitioner shall report before the respondent police every day at 10.30.am. for a period of two (2) weeks and thereafter, every Monday at 10.30.a.m until further orders;

(e) the petitioner shall not commit any offences of similar nature;

(f) the petitioner shall not abscond either during investigation or trial;

(g) the petitioner shall not tamper with evidence or witness either during investigation or trial;

(h) on breach of any of the aforesaid conditions, the learned Judicial 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];

(i) if the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

6. With the above directions, this Criminal Original Petition is ordered.

-sd/-
22/07/2020

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 SESSIONS JUDGE,
MAHILA COURT (FTC), TIRUVANNAMALAI.

2 THE SUPERINTENDENT,
CENTRAL PRISON FOR WOMEN,
VELLORE.

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS CHEYYAR,
TIRUVANNAMALAI DISTRICT.

CC to M/S.G.MAGESH KUMAR Advocate on payment of necessary charges

CRL OP.10815/2020

Date :22/07/2020

MK:20/08/2020