

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11011 of 2020

Ramakrishnan

... Petitioner/5th Accused

Vs.

The State represented by,
The Station House Officer,
Kottucherry Police Station,
Karaikkal,
Pudhucherry State.
Crime No. 131 of 2020.

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of his arrest in Crime No. 131 of 2020 on the file of the Station House officer, Kottucherry Police Station, Karaikkal, Pudhucherry State.

For Petitioner : Mr.R.Murugabharathi

For Respondent : Mr.Balamurugane
Public Prosecutor(Pudhucherry)

O R D E R

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 188 and 506 of IPC read with Section 34 IPC, in Crime No. 131 of 2020, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Sudha is that, one Vijayan has misbehaved with her daughter and on the complaint given by the defacto complainant, the respondent police has registered a case against the said Vijayan in Crime No.126 of 2020, for the offences punishable under Section 8 of POCSO Act. Whiles, the petitioner, who is the relative of the said Vijayan, had threatened the defacto complainant not to give a complaint.

3 The learned counsel appearing for the petitioner would submit that the petitioner is aged about 78 years and he has nothing to do with the offence committed by the said Vijayan and he has not threatened the defacto complainant and there is a false complaint has been given against him. Hence, he prays to grant anticipatory bail to the petitioner.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that one Vijayan has misbehaved with the minor daughter of the defacto complainant and based on the complaint given by the defacto complainant, a case in Crime No.126 of 2020 has been filed by the respondent police against the said Vijayan. He would further submit that the petitioner who is the relative of the said Vijayan had threatened the defacto complainant not to give the complainant. Hence, he opposed to grant anticipatory bail to the petitioner.

5 Taking into consideration the facts and submissions made by the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6 Accordingly, the petitioner is directed to be released on bail in the event of his arrest or on his appearance, within a period of fifteen days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate No.II, Karaikkal, Pudhucherry State, on condition that the petitioner shall execute a separate 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 the 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 report before the respondent police everyday at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 a.m., until further orders.

[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.

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

-sd/-
31/07/2020

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.II, KARAIKKAL, PUDUCHEERY.

2 THE PUBLIC PROSECUTOR
PUDUCHERRY.

3 THE STATION HOUSE OFFICER,
KOTTUCHERRY POLICE STATION,
KARAIKKAL, PUDHUCHERRY STATE.

CC to M/S R.MURUGA BHARATHI Advocate on payment of necessary charges

CRL OP.11011/2020

Date :31/07/2020

cs 02/09/2020

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