

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.11649 of 2020

Ramachandra Gowdu

... Petitioner

Vs.

State Rep. By its
The Inspector of Police,
All Women Police Station,
Denkanikottai, Krishnagiri District.
(Crime No.7 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.7 of 2020 on the file of the respondent police.

For Petitioner : Mr.M.P.Saravanan

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

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 offences punishable under Sections
354(A)(1)(i) r/w 354 (A)(2) and Section 4 of Tamilnadu Women
Harassment Act, in Crime No.07 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that on 13.06.2020, while the
defacto complainant was picking the leaves in the mint garden, the
petitioner had dragged her and invited for his gest and also told
that he will settle her children. Thereafter, the defacto complainant
was mentally affected and given a complaint against the petitioner on
17.07.2020.

3. The learned counsel for the petitioner would submit that the
petitioner is an innocent person and he has not committed any offence
as alleged by the prosecution. He would also submit that the
petitioner and the defacto complainant are labours and due to enmity
a false complaint has been given and there is a delay of 4 days.
Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that
the defacto complainant working in the land belongs to the
petitioner. He would also submit that the allegation is, that the
petitioner had misbehaved and outraged the modesty of the defacto
complainant and the age of the petitioner is 56 years. Hence, he
opposed for grant of anticipatory bail to the petitioner.

5. Considering the above fact and circumstances of the case, 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 District Munsif cum Judicial Magistrate, Denkanikottai, 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 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 daily 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

+sd/-

05/08/2020

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 DISTRICT MUNSIF CUM
JUDICIAL MAGISTRATE, DENKANIKOTTAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

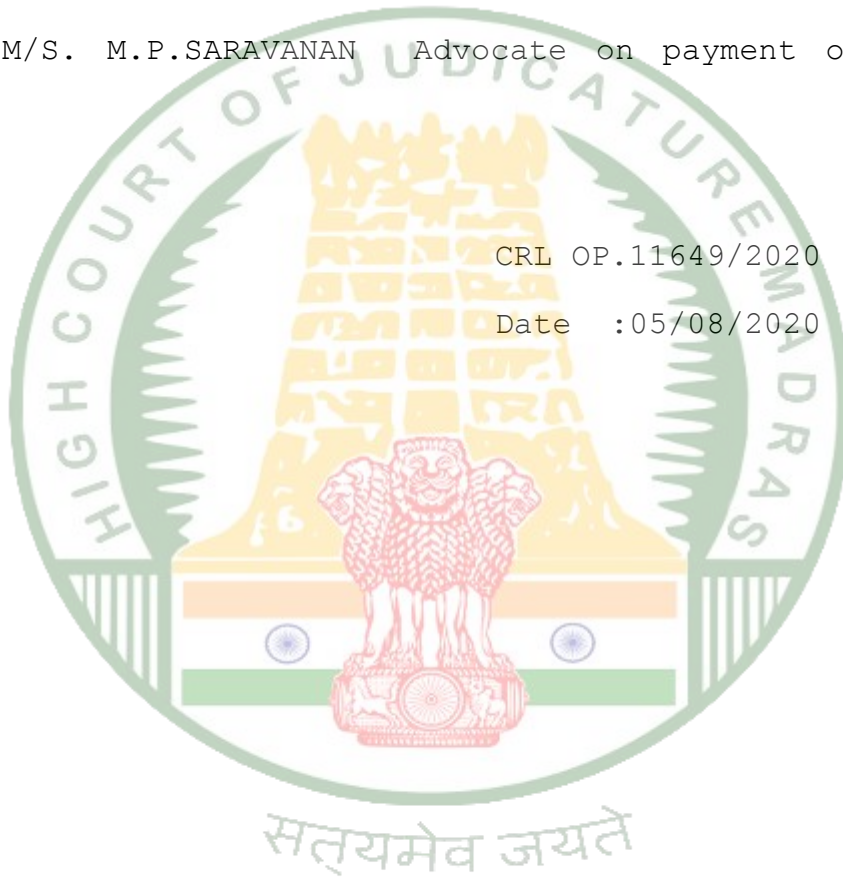
3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION, DENKANIKOTTAI,
KRISHNAGIRI DISTRICT.

CC to M/S. M.P.SARAVANAN Advocate on payment of necessary
charges

CRL OP.11649/2020

Date :05/08/2020

RVR 16/09/2020



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