

vbnmmIN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.08.2020

CORAM :

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

Cr1.O.P.No.11539 of 2020

Vimal kumar

S/o. Kalimuthu,

... Petitioner

Vs.

State rep. by its

The Inspector of Police,

AWPS Dharapuram Police Station

Tiruppur.

[Crime No. 7 of 2020]

... Respondent

PRAYER: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of arrest Crime No. 7 of 2020 on the file of the respondent police.

For Petitioner : Mr.J.Franklin

For Respondent : Mr.M.Mohamed Riyaz

Additional Public Prosecutor

O R D E R

(The case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under sections 420 of IPC and sec 4 TN Prohibition of Harassment of Women act, 2002 in Crime.No.7 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Vijaya Bharathi aged 27 years is that she and the petitioner were working as tailors in SP APPARELS company during the year 2015 and the petitioner's wife died on 06.06.2019. Thereafter, the petitioner on the pretext of false promise to marry the defacto complainant, had physical affair with her, later he refused to marry her. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner and the defacto complainant are colleagues and that a case of consensual affair has been falsely projected as case of cheating. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor submitted that the petitioner and the defacto complainant were working as tailors in SP APPARELS company and the petitioner's wife had died on 06.06.2019.

Thereafter, the petitioner become friendly with the defacto complainant and on the false promise of marriage, he had sexual intercourse with the defacto complainant and thereafter refused to marry her. He would further submit that the investigation is pending. Hence, he opposed to grant anticipatory bail to the petitioner.

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

6. Accordingly, the petitioner is ordered to be released on bail in the event of his arrest by the respondent police or on his appearance, within a period of fifteen days from the date of lifting of lockdown or the commencement of Court's normal functioning whichever is earlier, before the Judicial Magistrate-Dharapuram, 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 three 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/-
04/08/2020

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 JUDICIAL MAGISTRATE,
DHARAPURAM

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS DHARAPURAM POLICE STATION,
TIRUPPUR,

CC to M/S. J. FRANKLIN Advocate on payment of necessary charges

CRL OP.11539/2020

Date : 04/08/2020

RD 27/08/2020

सत्यमेव जयते

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