

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11752 of 2020

IN CRL.M.P.NO.5201 of 2020

1.Sekar @ Kannan  
2.Paneerselvam  
3.Rengugadevi

... Petitioners

Vs.

The State rep. by  
The Inspector of Police  
Nannilam Police Station  
Thiruvarur District.  
Cr.No.1332 of 2020.

...Respondent

M.LAKSHMI,

[PETITIONER/DEFACTO COMPLAINANT]

[ORDERED AS PER ORDER OF THIS COURT DATED IN CRL.MP.5201/2020 IN  
CRL.O.P.NO.11752/2020]

**Prayer:** Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioners on bail in the event of their arrest in Crime No.1332 of 2020 pending investigation on the file of the respondent police.

For Petitioners : Mr.J.Priscilla Pandian

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

For Intervenor : M/s.B.S.Ajeetha

ORDER

**(The case has been heard through video conference)**

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 352, 323, 506(i), 417, 376 of IPC and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act, 1998, in Crime No.1332 of 2020 on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz. Lakshmi is that she is residing at Devamangalam Colony Street,  
<https://hcservices.courts.gov.in/hcservices/>

Valangaiman Taluk with her parents and she had studied upto M.Com and she had a love affair with one Chandran for the past five years. In the meanwhile, she came to know that the said Chandran had intended to marry some one else without her knowledge and thereby, on 22.06.2020, she had gone to Nannilam Police Station to give a complaint. The further allegation is that they coming to know that the de-facto complainant was going to give a complaint, the accused respectively, the father and elder paternal uncle of Chandran waylaid the de-facto complainant and abused her with filthy language and also assaulted her, due to which she sustained injuries. Originally, the complaint was registered under Sections 294, 352, 323, 506(i) r/w Section 4 of Tamil Nadu Prohibition of Woman Harassment Act on 04.07.2020. Thereafter, a statement was recorded from the victim girl, wherein she has stated that one year before, the said Chandran got married to her and he had taken her to places like Ooti, Chennai, and Velankanni and they have lived as husband and wife and had physical relationship and thereafter, the accused Chandran had cheated her and taking steps to marry some other girl. Based on the statement of the victim girl, the case was altered to Sections 294(b), 352, 323, 506(i), 417, 376 and Section 4 of Women Harassment Act.

3. The learned Senior counsel appearing for the petitioners would submit that the petitioners 1 to 3 are respectively father, paternal uncle and mother of the main accused, namely Chandran. He would further submit that the allegations against them is that when the de-facto complainant had gone to the police station to give a complaint against Chandran, the petitioners have way laid her and assaulted her and also prevented her from giving a complaint and other than that, there is no allegation against them. The learned Senior counsel appearing for the petitioners would submit that the petitioners were not aware of the relationship between the third accused, namely Chandran, and the defacto complainant. Further, he would submit that the marriage between the son of the first petitioner and one Pavithra was fixed on 09.04.2020 and due to Covid pandemic, the marriage was postponed and thereafter, the marriage was performed on 12.06.2020. He would further submit that the petitioners hail from the same village and the entire village knows about the fixing of the marriage between the third accused Chandran and one Pavithra and the marriage was conducted at the bride's house on 12.06.2020 in the presence of elders. He would further submit that the de-facto complainant for reasons best known to her has given a false complaint as if the petitioners prevented her from giving a complaint against Chandran and assaulted her. He would further submit major allegations are only against the said Chandran. Even as per the complaint, no serious allegation are made against the petitioners. He would further submit that the victim has been discharged from the hospital.

4. The learned Additional Public Prosecutor submitted that on the complaint given by the de-facto complainant, initially, the case was registered under Sections 294, 352, 323, 506(i) r/w 4 of Tamil Nadu Prohibition of Woman Harassment Act and thereafter, based on the further statement recorded from the victim girl, the case

was altered to Sections 294(b), 352, 323, 506(i), 417, 376 and Section 4 of Women Harassment Act, on 13.07.2020. He would submit that on the direction of the Superintendent of Police, Thiruvarur vide Memo in C.No.C1/11752/2020, the Deputy Superintendent of Police, Nannilam was nominated to supervise the case and he has supervised the investigation. He would further submit that as per the status report filed by the Deputy Superintendent of Police, it has been stated that the respondent has submitted that the statement recorded from the de-facto complainant reveals that the accused Chandran had love affair with the de-facto complainant for the past five years and had intercourse with her on the false promise to marry her and he also referred to para 5 of the status report.

5. In para 5 of the petition, it has been stated as follows:

5. I submit that on 13.07.2020, Inspector of Police, Nannilam re-examined the above said witnesses and recorded further statement from them. The statement reveals that the accused Chandran/A1 had love affairs with the de-facto complainant /Lakshmi for the past 5 years and had intercourse with her by giving promise to marry her, but failed to do so. Based on the further statement of the above said witnesses, on 13.07.2020, Inspector of Police, Nannilam has altered the Section into 295(b), 352, 323, 506(i) IPC & 4 of TN Prohibition of Women Harassment Act, 417, 376 of IPC and also added 2 accused totally 4 Accused i.e, Chandran/A1, Sekar @ Kannan/A2, Paneerselvam/A3 & Renugadevi.

6. The learned Additional Public Prosecutor would further submit that the Inspector of Police, Nannilam has examined some villagers and the relatives of the de-facto complainant and further, in the status report, it has been stated that the marriage between the accused Chandran and Pavithra was conducted without the knowledge of the de-facto complainant and the villagers. The marriage invitation was not distributed to the villagers due to Corona and thereafter, without the knowledge of the de-facto complainant and the villagers the marriage was performed. In the status report, it has been further stated that A2 and A3 and the present petitioner have waylaid and assaulted the de-facto complainant while she had gone to give a complaint and that as far as the allegation against the petitioners are concerned, that they have assaulted the de-facto complainant on 22.07.2020 is denied. Further, it has been stated that the third petitioner/A4 Renugadevi was elected as DMK Councillor and due to the dignity, she had refused for the marriage between the de-facto complainant and her son Chandran.

7. The status report is taken on record.

8. The learned counsel for the intervenor vehemently opposed stating that the son of the first petitioner on a false promise and assurance of marrying the victim girl, had committed repetitive

sexual assault on her and thereafter cheated her and married some other girl.

9. I have gone through the entire materials placed on record.

10. Considering the facts and circumstances of the case, and the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions :

[a] Accordingly, the petitioners are ordered to be released on bail, in the event of arrest or on their appearance, within a period of fifteen days after lifting of lockdown of the commencement of the Court's normal functioning whichever is earlier, before the **learned Judicial Magistrate, Nannilam**, on condition that the petitioners shall execute a separate bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] **the petitioners shall stay at Trichy and report before the Cantonment Police Station daily at 10.30 a.m until further orders.**

[d] the petitioners shall not enter into the jurisdiction limits of the respondent police.

[e] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[f] the petitioners shall not abscond either during investigation or trial.

[g] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners 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]**.

[h] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-  
24/09/2020

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,  
NANNILAM.

2 THE CHIEF JUDICIAL MAGISTRATE  
THIRUVARUR. [FOR INFORMATION]

3 THE INSPECTOR OF POLICE  
NANNILAM POLICE STATION,  
THIRUVARUR DISTRICT.

4 THE PUBLIC PROSECUTOR  
HIGH COURT, MADRAS.

5 THE OFFICER INCHARGE  
CANTONMENT POLICE STATION  
TRICHY.

+2 CC to M/S.J.PRISCILLA PANDIAN Advocate on payment of  
necessary charges SR.NO.6448

+1 CC to M/S.J.SARAVANA VEL, Advocate on payment of necessary  
charges SR.NO.6454

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TA-06/10/2020