

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.12141 of 2020

V.Sudhakar

... Petitioner

Vs.

The State rep by
The Inspector of Police,
Veppankuppam Police Station,
Vellore District.
Crime No.646 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 arrest in Crime No.646 of 2020 on the file of the respondent police.

For Petitioner : Mr.B.Sundarpandiyar

For Respondent : Mr.K.Prabakar,
Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioner who apprehend arrest at the hands of the respondent police for the offences publishable under Sections 417 and 376(i) IPC, in Crime No.646 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Devi is that she was working as a Nurse in a hospital. The petitioner and the defacto complainant were in relationship for the past 15 years and that whenever she used to ask the petitioner, he used to inform that he will marry her and had sexual intercourse with her on several occasions. Later she came to know that the petitioner intended to marry some other girl. Thereby, the complaint has been given by the defacto complainant.

3. The learned Counsel for the petitioner submitted that the petitioner and the defacto complainant are aged more than 33 years and that they were having consensual relationship for the past 15 years and that the reading of the FIR shows that the allegations of cheating and rape cannot be made out against him.

4. The learned Additional Public Prosecutor submitted that the petitioner on a false promise of marrying the defacto complainant had sexual intercourse with her and also submit that as per FIR he was having relationship with her for the past 15 years. He would further submit that the petitioner has two previous cases registered in crime No.399 of 2013 under Sections 147, 148, 294(b), 324, 341, 506 (ii) IPC and another case registered under Section 107 Cr.P.C. Therefore, he opposed for grant of bail to the petitioner.

5. Learned Senior Counsel would submit that the case pertains to the year 2013 and the second case is in respect of a civil dispute between the parties.

6. Heard both counsel and perused the FIR.

7. 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;

8. Accordingly, the petitioner is directed to be released on bail in the event of 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.III, Vellore, on condition that the petitioner shall execute a separate bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two surety, 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 daily 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, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-
13/08/2020

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 NO.III,
VELLORE.

2 THE CHIEF JUDICIAL MAGISTRATE,
VELLORE [FOR INFORMATION].

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VEPPANKUPPAM POLICE STATION,
VELLORE DISTRICT.

+2 CC to M/S. B.SUNDARPANDIYAN Advocate on payment of necessary charges SR.NO. 5935

CRL OP.12141/2020

Date :13/08/2020

MN-21/08/2020