

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.12204 of 2020

Radhika

... Petitioner/Accused

Vs.

The State represented by,
The Inspector of Police,
AWPS, Mamallapuram Police Station,
Kanchipuram District.
Crime No. 3 of 2019

... Respondent/Complainant

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on bail in the event of arrest by the respondent police in Crime No. 3 of 2019 on the file of the respondent police.

For Petitioner : Mr.L.Ramu

For Respondent : Mr.K.Prabakar
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 alleged offences punishable under Sections 5(a)(i), 6 of POSCO Act and 417, 420 and 376 of IPC, in Crime No.3 of 2019, on the file of the respondent police, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Saritha is that her minor daughter viz., Suji, aged 17 years was in love with one Dilli Babu for the past two years and that on the inducement, the said Dilli Babu had committed penetrative sexual assault on her minor daughter. Thereafter, Dilli Babu had made preparation to marry another girl and when it was questioned by the defacto complainant and her daughter, the petitioner, who is the sister of Dilli Babu has slapped the defacto complainant. Hence the complainant.

3 The learned counsel appearing for the petitioner would submit that the petitioner is the sister of Dilli Babu and the main allegations are against her brother Dilli Babu and he was arrested and released on bail and that the case related to the year 2019. He would further submit that the petitioner has been falsely implicated in this case. Hence, he prays to grant anticipatory bail to the petitioner

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the brother of the petitioner had committed penetrative sexual assault on the minor girl on the promise of marrying her and later decided to marry some other girl. He would submit that the main accused was arrested and enlarged on bail. He would further submit that the statement under Section 164 Cr.P.C has been recorded from the victim girl, wherein, she had stated that the petitioner has abused her in filthy language and assaulted her with slippers. 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 directed to be released on bail in the event of her arrest or on her appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned District Mahila Sessions Judge, Chengalpet, 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 every day at 10.30 a.m., for a period of one week and thereafter as and when required for interrogation.

[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/-
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 DISTRICT MAHILA SESSIONS JUDGE,
CHENGALPET.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS, MAMALLAPURAM POLICE STATION,
KANCHIPURAM DISTRICT.

CC to M/S.L.RAMU Advocate on payment of necessary charges

WEB COPY

CRL OP.12204/2020

Date :13/08/2020

cs 09/09/2020