

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.09.2020

CORAM :

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

CrI.O.P.No.13083 of 2020

K.Kamaraj

...Petitioner

/versus/

State represented by

...Respondent

The Inspector of Police,
Kodavasal Police Station
Kodavasal, Thiruvarur District,
(Crime No.1077 of 2020)

Prayer: Criminal Original Petition is filed under Section 438 of Criminal Procedure Code to enlarge the petitioner on bail in the event of his arrest in Crime No.1077 of 2020 pending investigation on the file of Respondent Police.

For Petitioner : Mr.S.Parthasarathi

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

ORDER

(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 294 (b), 506 (ii) of IPC and Section 3 of Prevention of Child from Sexual Offences (POCSO) Act, 2012 in Crime No.1077 of 2020 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution, as per the de-facto complainant viz., Selvi, wife of Veeraiyan, is that the petitioner with a bad intention had hugged her daughter/victim and when it was questioned by her husband, the petitioner had threatened him. Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. The petitioner's wife Vasuki is the former President of the Kudavasal Panchayat Union and the petitioner is also a social activist and he also belongs to a political party. The defacto complainant and her husband indulged in illicit sand mining in respect of which the wife of the

petitioner had given several complaints. While so, 07.05.2020 around 12.00 p.m the husband of the defacto complainant along with his men threatened the defacto complainant. The petitioner and his wife sent a complaint dated 19.05.2020 by registered post, to the authorities that the respondent police were attempting to fix them in a false case through the defacto complainant and immediately on the next day, the false case has been registered. He further submitted that the details of the complaint given by the petitioner's wife and the related documents have been enclosed in the typed set.

4.The learned Additional Public Prosecutor would submit that the petitioner misbehaved with the defacto complainant's daughter with the bad intention and since it was questioned by the defacto complainant, the accused threatened them.

5.Taking into consideration the facts and circumstances of the case and also the submission made by both the counsel and the perusal of the FIR and connected documents filed along with the petition, 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 arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned **Judicial Magistrate-I, Thiruvavarur** 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 every day 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 absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

14/09/2020

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 - I,
THIRUVARUR.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVARUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR POLICE
KODAVASAL POLICE STATION,
KODAVASAL, TIRUVARUR DISTRICT.

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

WEB COPY CRL OP.13083/2020
Date :14/09/2020

TA-30/09/2020