

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.O.P.No.13125 of 2020

1.Sudan

2.Punithakumar

... Petitioners

Vs.

The State Represented by
The Inspector of Police,
All Women Police Station,
Vellore,
Vellore District.
(Crime No.17 of 2020)

.. Respondent

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.17 of 2020 pending on the file of respondent.

For Petitioners : Mr.N.Sudharsan

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 under Sections 294 (b), 417, 376 and 506(i) of IPC, in Crime No.17 of 2020 on the file of the respondent police, seek anticipatory bail.

2.The case of the prosecution as per the defacto complainant namely Snekha is that the first petitioner and the defacto complainant were in love with each other, on the false promise of marriage he had sexual intercourse with the victim girl due to which, she had become pregnant and delivered a female child on 13.08.2020, later he refused to marry her. The further allegation is that the second petitioner threatened the defacto complainant with dire consequences. Hence, the compliant.

3. The learned counsel for the petitioners would submit that the petitioners are innocent persons and they have been falsely implicated in this case. He would further submitted that the petitioners are ready to appear before the respondent police for further enquiry. Hence, he prays to grant bail to the petitioners.

4. The learned Additional Public Prosecutor submitted that the first petitioner and the defacto complainant were in love with each other, on the false promise of marriage he had sexual intercourse with the victim girl due to which, she had become pregnant and delivered a female child on 13.08.2020, later he refused to marry her and also submitted that the second petitioner threatened the defacto complainant with dire consequences. He further submitted that the second petitioner is the father of the first petitioner. He would further submit that the statement of the victim girl was recorded under Section 164 Cr.P.C and also submitted that the investigation is still pending. However, he opposed for grant of bail to the petitioners.

5. In view of the averments against the first petitioner/A1, this Court is not inclined to grant anticipatory bail to the first petitioner/A1. Accordingly, the petition is dismissed insofar as the first petitioner/A1 is concerned.

6. Insofar as the second petitioner is concerned, this Court is inclined to grant anticipatory bail subject to the following conditions.

a) Accordingly, the second petitioner is ordered to be released on bail, in the event of his arrest or on his appearance, within a period of fifteen days from the date on which the copy of this order is made ready, the petitioner shall execute 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 Judicial Magistrate No.III, Vellore, 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 second petitioner shall report before the respondent police every day at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] 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.

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

-sd/-

08/12/2020

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, VELLORE DISTRICT.

2 THE CHIEF JUDICIAL MAGISTRATE
VELLORE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
VELLORE,
VELLORE DISTRICT.

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

CRL OP.13125/2020

Date :08/12/2020

MK:17/12/2020

<https://hcservices.ecourts.gov.in/hcservices/>