

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CRL.O.P.No.14113 of 2020

1.C.Veerasami

2.Sivamalai

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
AWPS Ulundurpet,
Villupuram.

Crime No.9 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 439 Cr.P.C. to enlarge the petitioner on bail in Crime No. 9 of 2020, pending investigation on the file of the respondent police.

For Petitioners : Mr.P.Subbiah Subash

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 apprehends arrest at the hands of the respondent police for the offences publishable under Sections 294(b), 376, 417, 506(i) of IPC in Crime No.09 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that, as per the defacto complainant one Rajesh/1st Accused, on a false promise of marrying the defacto complainant, committed sexual assault with her, due to which, she became pregnant. When she had requested him to marry her, he had stated that if she aborts the baby, he will marry her. While so, on 13.06.2020, the defacto complainant had gone to the house of the first accused and the petitioners who are the parents of the first accused abused her with filthy language. Hence the complaint.

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 submit that there was a

love affair between the first accused and the defacto complainant and A1, who is the son of the first petitioner, was arrested and released on bail by the Mahila Court. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the petitioners are the parents of A1. On a false promise of marrying her, A1 had committed sexual assault with the defacto complainant, due to which, she became pregnant. While so, on 16.03.2020, the defacto complainant had gone to the house of the first accused and the petitioners who are the parents of the first accused abused and intimidated her. Hence, he opposed for grant of anticipatory bail to the petitioners.

5. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioners subject to the following conditions;

6. 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 from the date on which the order copy made ready, before the learned Mahila Court, Villupuram, on condition that each of the petitioners 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 petitioners 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 petitioners shall report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, the first petitioner shall appear every Monday at 10.30 a.m., until further orders and the second petitioner as and when required.

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

[d] the petitioners 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 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].

[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/-
18/09/2020

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 MAHILA COURT
VILLUPURAM

2 THE SUPERINTENDENT,
CENTRAL PRISON, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS ULUNDUPET,
VILLUPURAM.

CC to M/S. P.SUBBIAH SUBASH Advocate on payment of necessary charges

सत्यमेव जयते

WEB COPY

CRL OP.14113/2020

Date :18/09/2020

RD 29/09/2020