

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14133 of 2020

Sujatha

... Petitioner

Vs.

State by:

... Respondent

The Inspector of Police,
All Women Police Station,
Thirumangalam, Chennai.
Crime No.6 of 2020.

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioner on bail in the event of her arrest concerned in Crime No.6 of 2020 on the file of the respondent police.

For Petitioner : M/s.Karan and Uday

For Respondent : Mr.M.Mohamed Riyaz

Additional 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 offences punishable under Sections 376, 313, 354A(i) (ii), 417, 406 and 506(i) of IPC and 67 A of Information Technology Act, 2000, in Crime No.6 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the de-facto complainant viz., Vinotha, who is a Law College Student, is that one Balaji (A1) by giving a false promise to marry her had sexual intercourse and made her pregnant. Thereafter, accused No.A2, who is the mother of the Balaji, and accused No.A3 / the petitioner herein, who is the sister of Balaji, had compelled her to do abortion and also abused her. Hence the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is the sister of Balaji and she is residing at Chennai. The de-facto complainant and the first accused had loved each other and they were living together for some time. Thereafter, the de-facto complainant has given this false complaint. The petitioner has nothing to do with the offence, whereas she has been unnecessarily dragged in this case. Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor appearing for the respondent would submit that the said Balaji (A1) made a false promise to the de-facto complainant to marry her and had sexual intercourse with her and made her pregnant. The petitioner and her mother had abused the de-facto complainant and compelled her to do abortion and hence, her mother was arrested. Hence, he opposed to grant anticipatory bail to the petitioner.

5. Heard the learned counsels appearing on either side and perused the First Information Report.

6. Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

7. Accordingly, the petitioner is directed to be released on bail in the event of his 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 Additional Mahila Court, Egmore, Chennai, 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, 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/-
10/09/2020

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 ADDITIONAL MAHILA COURT,
EGMORE, CHENNAI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
THIRUMANGALAM, CHENNAI.

CC to M/S KARAN AND UDAY Advocate on payment of necessary charges

CRL OP.14133/2020

Date :10/09/2020

TA-30/09/2020