

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.14408 of 2020

Shanmugavel

... Petitioner

Vs.

The State Rep. By
The Inspector of Police,
AWPS Cheyyar, Tiruvannamalai District.
(Crime No.03 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., praying to grant anticipatory bail to the petitioner in the event of arrest in connection with Crime No.03 of 2020 pending investigation on the file of the respondent police.

For Petitioner : Mr.C.Magesh Kumar

For Respondent : Mr.M.Mohamed Riyaz,
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 offences punishable under Sections 417, 376 and 506(ii) of IPC, in Crime No.03 of 2020, seeks anticipatory bail.

2. The case of the prosecution is that the defacto complainant alleged that one Sathyaraj breached his promise to marry her after having physical relationship with her. When the defacto complainant questioned about the same, the petitioner and other accused have intimidated her on 01.04.2020. But she had lodged a complaint only on 28.06.2020.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution. He is the father of A1 and he was not aware of the relationship between the defacto complainant and A1 and A3 namely Kumutha, who is none other than the wife of A2, has already been arrested and released on bail by this Court dated 22.07.2020 in Crl.OP. No.10815 of 2020, Therefore, he prays to grant anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the defacto complainant and A1 loved each other. Subsequently, A1 refused to marry the defacto complainant. When she questioned about the marriage, A1 and his parents have threatened her. A3, who is the mother of A1, has been released on bail. However, he vehemently opposed to grant of anticipatory bail to the petitioner (A2).

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

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Mahila Fast Track (Sessions) Court, Tiruvannamalai, 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 Inspector of Police, Steel Plant Police Station, Salem daily at 10.30 a.m. until further orders and the petitioner shall not go near the house of the defacto complainant.

[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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

With the above directions, the criminal original petition is ordered.

-sd/-

16/09/2020

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 FAST TRACK
(SESSIONS) COURT, TIRUVANNAMALAI

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
AWPS CHEYYAR,
TIRUVANNAMALAI DISTRICT,

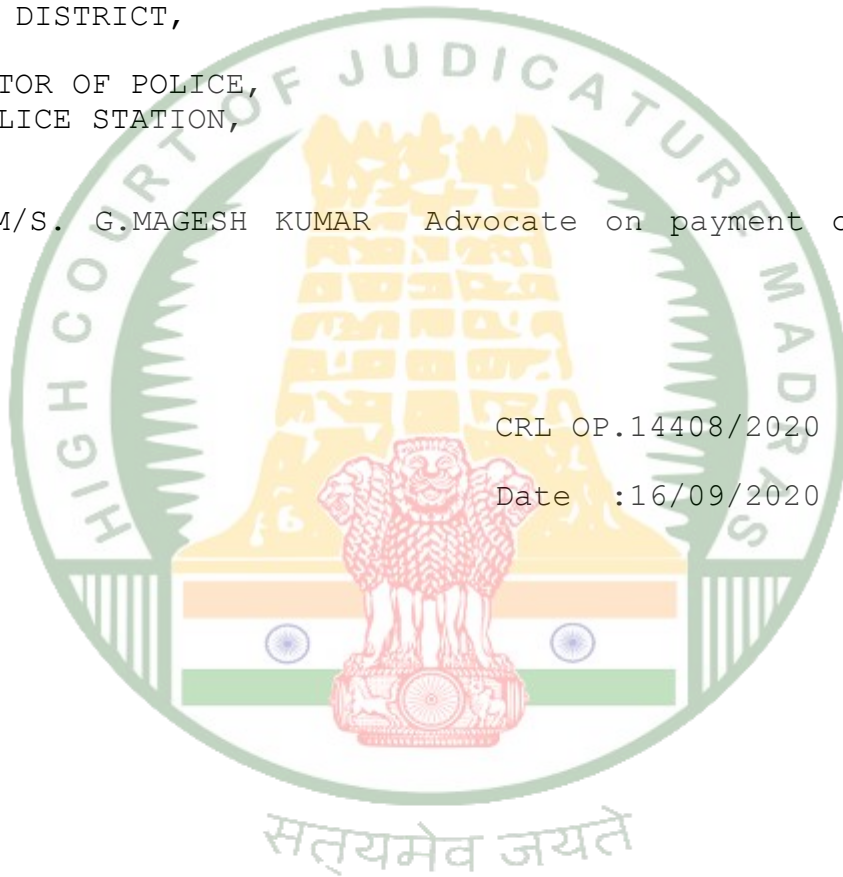
4 THE INSPECTOR OF POLICE,
STEEL PLANT POLICE STATION,
SALEM.

CC to M/S. G.MAGESH KUMAR Advocate on payment of necessary
charges

CRL OP.14408/2020

Date :16/09/2020

RVR 29/09/2020



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