

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.14931 of 2020

1. Lakshmanasamy
2. Jothimani
3. Ramasamy

... Petitioners

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Pollachi,
Coimbatore District
Crime No.10 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C., to enlarge the petitioners on bail in the event of their arrest by the respondent police concerned in Crime No.10 of 2020 on the file of the respondent.

For Petitioners : M/s.M.N.Balakrishnan

For Respondent : Mr. M.Mohmed Riyaz

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest in the hands of the respondent police for the alleged offences punishable under Sections 354(A) and 498 (A) of IPC in Crime No.10 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant one Kanchana Devi, is that she got married with one Rangasamy on 14.04.2016. Since he is a driver, he used to come to house once in three days. Taking advantage of this, his brother/A1 had Attempted to have illicit relationship with complainant. It is further alleged that the indecent and immoral attempt was informed to A2 and A3 and they have not bothered about the same. Hence, the complaint.

3. The learned counsel appearing for the petitioners would submit that the petitioners are innocent persons and they have falsely implicated in this case. He further submitted that there was a matrimonial dispute between the 3rd petitioner and the defacto complainant and a false complaint is given. Hence, he seeks for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that first accused is brother of the husband of the defacto complainant. A3/husband of the defacto complainant used to come to house once in three days. Taking advantage of this, A1 had sexually tortured the defacto complainant. Hence, he opposed for the grant of anticipatory bail to the petitioners.

5. In such circumstances, this Court is not inclined to grant anticipatory bail to the petitioner/A1. Accordingly, this Criminal Original Petition is dismissed insofar as A1 is concerned.

6. Taking into consideration the fact and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioners 2 and 3 are concerned with certain conditions.

7. Accordingly, the petitioners 2 and 3 are ordered to be released on bail in the event of arrest or on their appearance, **within a period of fifteen days after lifting of lockdown or the commencement of Court's normal functioning whichever is earlier**, before the learned Judicial Magistrate No.1, Pollachi, on condition that 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 2 and 3 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 2 and 3 shall report before the respondent police daily at 10.30 a.m., until further orders.

[c] the petitioner 2 and 3 shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioner 2 and 3 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.

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

-sd/-
23/09/2020

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 NO.I,
POLLACHI.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POLLACHI, COIMBATORE DISTRICT.

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

CRL OP.14931/2020

Date :23/09/2020

MK:30/09/2020