

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

CrI.OP.No.15151 of 2020

Parthiban
S/o. Kaliyaprumal

... Petitioner

Vs.

The State represented by
The Inspector of police,
Keelaiyur Police Station,
Nagapattinam District.
Crime No.368 of 2018

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C.,
praying to enlarge the petitioner on bail in the event of arrest in Crime
No.368 of 2018 on the file of the respondent police.

For Petitioner : Mr.Swamisubramanian

For Respondent : Mr.M. Mohamed Riyaz
Additional Public Prosecutor

ORDER

(This 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 294(b), 504, 505 (i) (b) and 506(i) of IPC and in Section 6 r/w. 4 of Indecent Representation of Woman Act, 1986, in Crime No.368 of 2018, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant viz., Helenbelcy is that she is doing B.Sc., Nursing and the petitioner had one side love with her, but she has refused stating that he belongs to a different religion. Thereafter, the petitioner had continuously harassed and threatened her. Hence the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that earlier the petitioner and the defacto complainant were friends. Since it was objected by the parents of the

defacto complainant, a false case has been given on instigation. The defacto complainant has got married and the petitioner has also got married and the case is of the year 2018. He would further submit that the petitioner has filed an affidavit of undertaking before this Court stating that he will not interfere in the life of the defacto complainant and he had also removed his posting about her from Social Media. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner has harassed the victim girl and also uploaded abusive content in the Social Media. He would further submit that A2 in this case has been enlarged on bail. However, he opposed for grant of Anticipatory Bail to the petitioner.

5. Taking into consideration of the facts and circumstances of the case and also the submissions of the learned counsel for petitioner and also the fact that the case was of the year 2018 and the petitioner has also filed an affidavit of undertaking before this Court, this Court is

inclined to grant anticipatory bail to the petitioner subject to the following conditions;

6. 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 from the date on which the copy of this order is made ready, 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 Judicial Magistrate No.II, Nagapattinam 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 two weeks and thereafter every Monday at 10.30 am., 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 is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate 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.

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

06.10.2020

dh

To

1. The Judicial Magistrate -II,
Nagapattinam.
2. The Inspector of police,
Keelaiyur Police Station,
Nagapattinam District.
3. The Public Prosecutor,
Madras High Court, Chennai.

A.D.JAGADISH CHANDIRA, J

dh



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