

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos.15537 & 16249 of 2020

ROOPA

.. Petitioner
in both petitions

Vs.

STATE; rep.by the Inspector of Police,
Salem Town All Women Police Station,
Salem District.
Crime No.13 of 2020

.. Respondent
in Crl.O.P.No.15537 of 2020

STATE; rep.by the Inspector of Police,
Salem Town All Women Police Station,
Salem District.
Crime No.12 of 2020

.. Respondent
in Crl.O.P.No.16249 of 2020

Common Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of her arrest in Crime No.13 & 12 of 2020 on the file of the Inspector of Police, Salem Town All Women Police Station, Salem District.

For Petitioner : Mr.B.Vasudevan

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

COMMON ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 147, 148, 323, 452, 342, 354(c) of IPC r/w Sec.66E & 67 of Information Technology Act 2000 and Sec.4 of Tamil Nadu Prohibition of Harassment of Women Act 2002, in Crime No.13 of 2020 on the file of the respondent police, seeks anticipatory bail.

2 In CrI.O.P.No.15537/2020:

The case of the prosecution as per the defacto complainant viz., Sathya is that on 20.05.2020, she had purchased a cell phone from A1/Loganathan for an amount of Rs.3,000/- and that on 24.05.2020 at 08.00 p.m., A1/Loganathan along with four other accused had come to the house of the defacto complainant, demanded to return the cell phone, insisted the defacto complainant to indulge in sexual work as per their direction and when the same was refused by the defacto complainant, the accused had pushed her down, further the accused had confined her in a room and had taken nude photographs of her and thereafter, accused had threatened and insisted her to do sexual work and had demanded a sum of Rs.10,000/- for the release of defacto complainant and her children. Hence, the complaint.

3 In CrI.O.P.No.16249 of 2020:

The case of the prosecution as per the defacto complainant viz., Sitheswari is that the accused had asked her to work in her beauty parlour and the when she had gone there on 26.05.2020, the accused had confined her in a room and threatened her to remove her clothes and taken nude photo of her and threatened her to indulge in sexual work. Hence, the complainant.

4 The learned appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would submit that the respondent has got enmity with the husband of the petitioner/A1/Loganathan and thereby, they have registered two cases through the defacto complainants, who are sexual workers. Based on those complainants, the husband of the petitioner was detained under Act 14, 1982. He would submit that as far as the petitioner is concerned, she is innocent and her name has been unnecessarily dragged into both these cases and apart from these two cases, there is no other case pending against the petitioner. Hence, he prays to grant anticipatory bail to the petitioner.

5 The learned Government Advocate (CrI.Side) appearing for the respondent would submit that the petitioner is the wife of A1/Loganathan and that in both these cases, the said Loganathan along with the petitioner and other accused had threatened both the defacto complainants, confined them in a room, taken nude photographs and videos of the victims and thereafter, they have compelled the victims to indulge in sexual work. He would submit that the first accused has been detained under Act 14, 1982, A3 is still in custody and that the other two accused have been absconding. Hence, he opposed to grant anticipatory bail to the petitioner.

6 Heard the learned counsels and perused FIR in both cases.

7 Taking into consideration the facts and circumstances and considering the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

8 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 order copy made ready, before the learned Judicial Magistrate, Additional Mahila Court, Salem, 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., 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.

9 With the above directions, these Criminal Original Petitions are ordered.

-sd/-
15/10/2020

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,
ADDITIONAL MAHILA COURT, SALEM.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

3 THE INSPECTOR OF POLICE,
SALEM TOWN ALL WOMEN POLICE STATION,
SALEM DISTRICT.

CC to M/S. B.VASUDEVAN Advocate on payment of necessary charges

CRL.OP.NOS.15537 & 16249 OF 2020

Date :15/10/2020

MK:28/10/2020

सत्यमेव जयते

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