

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.15811 of 2020

G.Vijaya Kumar

... Petitioner

Vs.

The State Represented by,
The Inspector of Police,
Uddanapalli Police Station,
Krishnagiri District.
(Cr.No.339 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Crime No.339 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.J.Pradeep

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 alleged offences punishable under Sections 294 (b), 323, 354 A (1) (i) of IPC and Section 4 of TN Prohibition of Harassment of Women Act, 2002, in Crime No.339 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution, as per the defacto complainant viz., Ranjitha is that on 27.08.2020 at about 11.30 hrs. when she has gone to attend nature's call, suddenly the petitioner came there and attempted to outrage her modesty by hugging her and pulling her sarree. She was depressed and later she has given a complaint after three days with the help of her brother in-law. Hence, the complaint.

3. The learned counsel for the petitioner would submit that the petitioner is an innocent person and a false complaint has been given on the instigation of one Balraj who is the brother-in-law of the defacto complainant, due to previous enmity. He would submit that the petitioner and the defacto complainant are neighbours and she is elder to him by four years. The defacto complainant's brother in-law had suspected that she was friendly with the petitioner. He would further submit that there is grave delay in lodging the complaint. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that on 27.08.2020 the petitioner had attempted to outrage the modesty of defacto complainant, when she had gone to attend nature's calls. He would further submit that there are no previous cases as against the petitioner. Hence, he vehemently opposed to grant anticipatory bail to the petitioner.

5. Heard the learned Counsels and perused FIR placed on record.

6. Taking into consideration the facts and submissions of the learned Counsel, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions;

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.II, Hosur, Krishnagiri, 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 stay at Dharmapuri and report before the Dharmapuri Police Station every day at 10.30.am. until further orders. It is made clear that the petitioner shall not enter into the jurisdictional limits of the respondent police.

[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/-

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,
NO.II, HOSUR, KRISHNAGIRI

2 THE CHIEF JUDICIAL MAGISTRATE
KRISHNAGIRI (FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
UDDANAPALLI POLICE STATION,
KRISHNAGIRI DISTRICT.

5 THE OFFICER INCHARGE,
DHARMAPURI POLICE STATION,
DHARMAPURI

CC to M/S.J.PRADEEP Advocate on payment of necessary charges

सत्यमेव जयते CRL OP.15811/2020

Date :15/10/2020

RVR 03/11/2020

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