

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos. 16082 & 16086 of 2020

1.G.Velanganni
2.C.Ganesan

... Petitioners/Accused 2 & 3
in Crl.O.P.No.16082/2020

G.Balaji

... Petitioner/1st Accused
in Crl.O.P.No.16086/2020

Vs.

The State represented by,
The Inspector of Police,
AWPS Chengalpattu Police Station,
Kancheepuram District.
[Crime No. 13 of 2020]

... Respondent/Complainant
in both petitions

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on anticipatory bail in the event of their arrest by the respondent police in Crime No. 13 of 2020, on the file of the respondent police.

For Petitioners : Mr.L.Ramu
in both petitions

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor
in both petitions

COMMON ORDER

(The case has been heard through video conference)

The petitioners, who apprehend arrest at the hands of the respondent police for the offence punishable under Sections 417, 420, 376, 312 and 506(i) of IPC in Crime No. 13 of 2020, on the file of the respondent, seeks anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Anitha is that the first accused viz., Balaji, on the false promise of marrying her, had committed sexual intercourse with her, due to which, she became pregnant. Thereafter, the first accused agreed to marry the victim girl. However, one Velanganni, the mother

of the first accused, has dragged this issue and on false assurance of conducting their marriage, made her to abort the foetus and later cheated her. Hence, the complaint.

3 The learned counsel appearing for the petitioner would submit that as far as the petition in Crl.O.P.No.16086 of 2020 is concerned, she is not pressing the application and that as far as the petitioner in Crl.O.P.No. 16082 of 2020 is concerned, they are the parents of the first accused and they are not aware of the relationship between the accused and the defacto complainant. However, unnecessarily they have been dragged into this issue on the false allegation that they have harassed the defacto complainant and compelled her to do abortion. Hence, the prays to grant anticipatory bail to the petitioners in Crl.O.P.No.16082 of 2020.

4 The learned Additional Public Prosecutor appearing for the respondent would submit that the first accused on the false promise of marrying the defacto complainant, had sexual intercourse with her, due to which, she became pregnant. Thereafter, the petitioner along with his parents on the false assurance of marrying her, dragged on the issue and later made her to abort the pregnancy and thereafter, all the accused have joined and harass the victim girl. He would submit that during the enquiry, it was found that the petitioner had agreed to marry the girl and thereafter, refused to marry her. He would submit that the statement under Section 164 of Cr.P.C has been recorded from the victim girl. However, he would oppose to grant anticipatory bail to the petitioner.

5 Heard both the learned counsels and perused Statement recorded from the victim girl under Section 164 Cr.P.C.

6 Taking into consideration of the facts and circumstances of the case and submissions made by the learned counsel, this Court is not inclined to grant anticipatory bail to the petitioner/first accused viz., G.Balaji in Crl.O.P.No.16086 of 2020. Hence, Crl.O.P.No.16086 of 2020 stands dismissed. However, this Court is inclined to grant anticipatory bail to the petitioners in Crl.O.P.No.16082 of 2020 subject to the following conditions:

7 Accordingly, the petitioners in Crl.O.P.No.16082 of 2020 are directed to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the learned Additional Mahila Court, Chengalpattu, on condition that each 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 petitioners 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 shall report before the respondent police every day at 10.30 a.m., for a period of two weeks and every Monday at 10.30 a.m., until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners 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 petitioners in accordance with law as if the conditions have been imposed and the petitioners 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, a fresh FIR can be registered under Section 229A IPC.

8 With the above directions, this CrI.O.P.No.16082 of 2020 is ordered.

-sd/-

04/11/2020

This order, on being produced, be punctually observed and carried into execution by all concerned

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सत्यमेव जयते

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

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TO

1 THE ADDITIONAL MAHILA COURT
CHENGALPATTU.

2 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

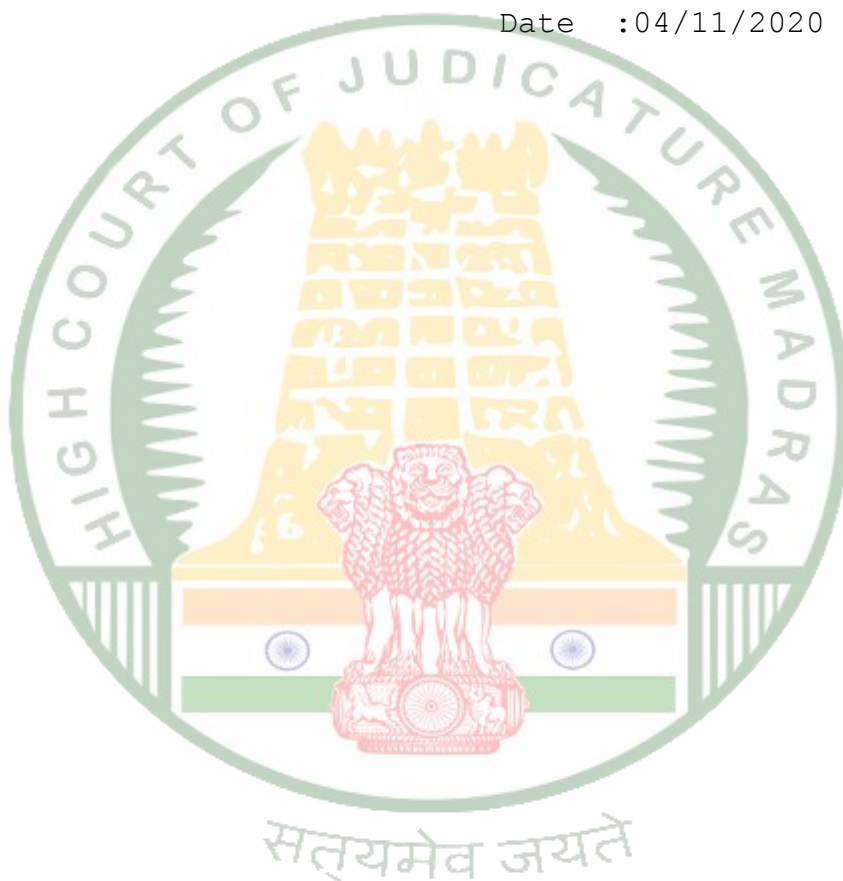
3 THE INSPECTOR OF POLICE,
AWPS CHENGALPATTU POLICE STATION,
KANCHEEPURAM DISTRICT.

CC to M/S.L.RAMU Advocate on payment of necessary charges

CRL OPs.16082 & 16086/2020

Date :04/11/2020

cs 23/11/2020



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