

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.16135 of 2020

Sivasakthi

.. Petitioner

Vs

The State rep. by
The Inspector of Police
All Women Police Station
Tiruppur North, Tiruppur District
Cr.No.20 of 2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of his arrest in Crime No.20 of 2020 pending on the file of the respondent police.

For Petitioner : Mr.C.Ramkumar

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

O R D E R

(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 417 and 420 of IPC, in Crime No.20 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the de-facto complainant was working in a courier office for the past 8 months and that she became friendly with the petitioner/accused during the year 2019 and that they were in love. The further allegation is that the petitioner on the false assurance of marrying the de-facto complainant had committed sexual intercourse with her and thereafter, cheated her.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he has been falsely implicated in this case. He would further submit that the de-facto complainant is a married lady and that she had married one Balamurugan and she was living separately. However, the earlier marriage was not dissolved and the de-facto complainant developed friendship with the petitioner and there was a consensual affair with the de-facto complainant and the petitioner. Therefore, he prays to grant anticipatory bail to the

4. The learned Additional Public Prosecutor vehemently opposed stating that the petitioner, on the false promise of marrying the de-facto complainant had sexual intercourse with her and thereafter, refused to marry her.

5. Heard both sides and also perused the FIR.

6. Taking into consideration the facts and circumstances of the case and also the submissions made by the learned counsels, this Court is inclined to grant anticipatory bail to the petitioner, subject to the following conditions:

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before the learned Judicial Magistrate No.I, Tiruppur, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees ten thousand only) with two sureties, 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:

[b] 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.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m until further orders.

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial.

[e] the petitioner shall not abscond either during investigation or trial.

[f] 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].

[g] If the accused thereafter absconds, a fresh FIR can be registered under Section 229A IPC.

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

-sd/-

09/11/2020

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, TIRUPPUR

2 THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR(FOR INFORMATION)

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUPPUR NORTH, TIRUPPUR DISTRICT.

CC to M/S.C.RAMKUMAR Advocate on payment of necessary charges
Sr.7508

CRL OP.16135/2020

Date :09/11/2020

RVR 19/11/2020

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