

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17689 of 2020

J.Praveen Kumar

... Petitioner

Vs.

The Inspector of Police
All Women Police Station
Erode

Crime No.2 of 2020

... Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioner on anticipatory bail in the event of arrest by the respondent police in Crime No.2 of 2020 on the file of the respondent police.

For Petitioner : Mr.S.Raja Kumar

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 offences punishable under Sections 417, 420 of IPC in Crime No.2 of 2020, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant Sophia, B.E., aged 29 years is that the accused Praveen Kumar is known to her from the year 2012. The accused Praveen Kumar had proposed love to her in the year 2012 and that during the year 2015 he had spoken to her father stating that he was in love with the defacto complainant and wanted to marry her. On coming to know that the accused is a good person, she fell in love with the petitioner from the year 2015 following which, she used to visit him at Chennai at the place where he was staying and they were regularly having sexual intercourse. While so, on 22.11.2019 the

accused had sexual intercourse with her and agreed to marry her during January 2020. Subsequently, she came to know that the petitioner was making arrangements to marry someone else and thereby, cheated her. Hence, the complaint.

3. The learned Counsel for the petitioner would submit that the petitioner is an innocent and he has been falsely implicated in this case. He would submit that the petitioner and the defacto complainant are known to each other. Even as per the complaint, the defacto complainant is a B.E. Graduate aged 29 years and that the defacto complainant and the petitioner were having relationship from the year 2015 and that she being a matured lady was very well aware of the consequences of the relationship. He would submit that the defacto complainant had been repeatedly giving false complainants before various forums. Even on last occasion, she had given a complaint before the respondent police and the complaint was taken for enquiry in C.S.R.No.845 of 2019. Thereafter, when the petitioner had approached this Court, this Court had given usual orders directing the petitioner to appear before the respondent for enquiry and he had also appeared before the respondent police for enquiry. Since, they found that the allegations of the defacto complainant are false, no further proceedings were initiated. Subsequently, a fresh complaint has been given. He would further submit that a reading of F.I.R. would show that there is no false representation or inducement on the part of the petitioner. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner on the false assurance of marrying the defato complainant, had sexual intercourse with her and later cheated her. He would submit that the petitioner and the defacto complainant have been in relationship from the year 2015. However, he vehemently opposed for grant of anticipatory bail.

5. Heard the learned Counsels and perused the F.I.R.

6. Considering the above facts and circumstances of the case and the submissions made by the learned Counsels, this Court is inclined to grant anticipatory bail to the petitioner with certain 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 days from the date on which the order copy is made ready, before the learned Judicial Magistrate, Erode, 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 report before the respondent police daily at 10.30 a.m. for a period of two weeks and thereafter, every Monday and Friday 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 abscond/s, a fresh FIR can be registered under Section 229A IPC.

-sd/-
15/12/2020

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,
ERODE.

2 THE CHIEF JUDICIAL MAGISTRATE
ERODE [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

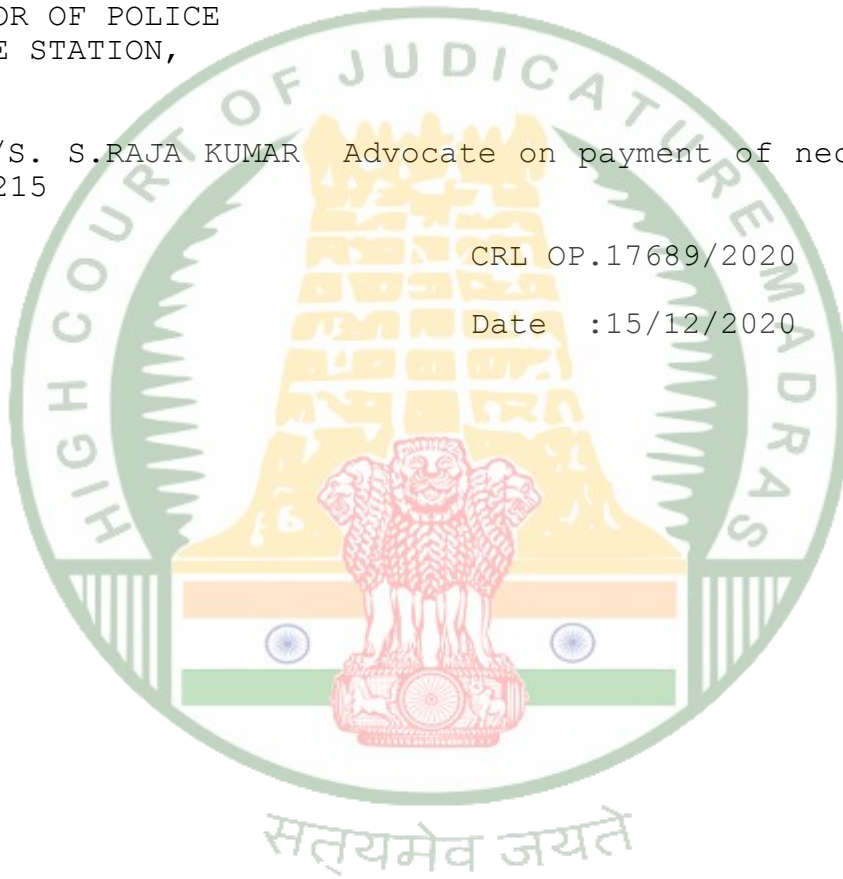
4 THE INSPECTOR OF POLICE
ALL WOMEN POLICE STATION,
ERODE.

+1CC to M/S. S.RAJA KUMAR Advocate on payment of necessary
charges SR NO.8215

CRL OP.17689/2020

Date :15/12/2020

MK:04/01/2021



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