

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

Cr1.O.P.No.16875 of 2020

1. Vinesh Manohar
2. Manohar
3. Vijayakumari

... Petitioners

Vs.

State Rep. By

The Inspector of Police,
W-19, All Women Police Station,
Adyar, Chennai.

(Cr.No.16 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioners on bail in the event of their arrest in Connection with the Crime No.16 of 2020 pending on the file of the respondent police.

For Petitioners : Mr.Jayaraman

For Respondent : Mr.M.Mohamed Riyaz,

Additional Public Prosecutor

ORDER

(This case has been heard through video conference)

The petitioners who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 417, 294(b), 376 & 506 (i) of IPC, in Crime No.16 of 2020, on the file of the respondent police, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Shilpa is that there had been a love affair between her and the petitioner since 2016 and both the families were aware of their relationship and they had physical affair at both their houses since the petitioner had promised to marry her. Further, the defacto complainant and the petitioner as a family, had gone out together on several occasions. While so, the petitioner cheated the defacto complainant and tried to move to U.S. on 17th September, 2020 with an intention to marry some other girl. Hence,

3. The learned Counsel for the petitioner would submit that the petitioner and the defacto complainant are known to each other for a long time from 2016 and there was a consensual relationship between them. He would submit that in fact it is the defacto complainant's father who had given a certificate to the petitioner to go to abroad. Thereafter, on fearing that the petitioner may leave her daughter, a false complaint has been given against the petitioner. He would submit that the petitioner's parents are also unnecessarily have been dragged into this issue, though they have no role in this case. He would further submit that the petitioners are prepared to abide by any stringent condition. 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 and promise of marrying the defacto complainant, had sexual intercourse with her on several occasions and thereafter intended to leave abroad with an intentions to marry some other women.

5. At this juncture, the learned Counsel for the petitioner would submit that the defacto complainant and petitioner are educated Medical Doctors and that there was a consensual affair between them and both of them are well aware of the consequences of such relationship.

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

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen (15) days from the date on which the order copy is made ready, before the learned IX, Metropolitan Magistrate, Saidapet, Chennai, on condition that each of the petitioners 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 Aadhaar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent Police daily at 10.30 a.m., for a period of two weeks and thereafter every Monday at 10.30 am. until further orders.

[c] the first petitioner shall surrender his passport before the concerned Magistrate at the time of executing bond.

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

[e] the petitioners 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 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]*.

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

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

-sd/-
02/11/2020

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 METROPOLITAN MAGISTRATE NO.IX,
SAIDAPET, CHENNAI.

2 THE CHIEF METROPOLITAN MAGISTRATE,
EGMORE, CHENNAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
W-19, ALL WOMEN POLICE STATION,
ADYAR, CHENNAI.

+3CC to M/S.JAYARAMAN Advocate on payment of necessary
charges SR NO.7233

CRL OP.16875/2020

Date : 02/11/2020