

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.Nos. 17343 & 17384 of 2020

Gowtham ... Petitioner/1st Accused
in Crl.O.P.No.17343/2020

1.Prakash ... Petitioners/A2 & A5
2.Nallasivam in Crl.O.P.No.17384/2020

Vs.

The State represented by, ... Respondent/Complainant
The Inspector of Police, in both petitions
AWPS-EAST Police Station,
Coimbatore City.
Crime No.14 of 2020.

Common 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.14 of 2020, on the file of the respondent police.

For Petitioner : Mr.U.Azarudhin
in Crl.O.P.No.17343 of 2020

For petitioner : Mr.R.Prabakar
in Crl.O.P.No.17384 of 2020

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, 418, 420, 421, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 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2158, 2159, 2160, 2161, 2162, 2163, 2164, 2165, 2166, 2167, 2168, 2169, 2170, 2171, 2172, 2173, 2174, 2175, 2176, 2177, 2178, 2179, 2180, 2181, 2182, 2183, 2184, 2185, 2186, 2187, 2188, 2189, 2190, 2191, 2192, 2193, 2194, 2195, 2196, 2197, 2198, 2199, 2200, 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 2344, 2345, 2346, 2347, 2348, 2349, 2350, 2351, 2352, 2353, 2354, 2355, 2356, 2357, 2358, 2359, 2360, 2361, 2362, 2363, 2364, 2365, 2366, 2367, 2368, 2369, 2370, 2371, 2372, 2373, 2374, 2375, 2376, 2377, 2378, 2379, 2380, 2381, 2382, 2383, 2384, 2385, 2386, 2387, 2388, 2389, 2390, 2391, 2392, 2393, 2394, 2395, 2396, 2397, 2398, 2399, 2400, 2401, 2402, 2403, 2404, 2405, 2406, 2407, 2408, 2409, 2410, 2411, 2412, 2413, 2414, 2415, 2416, 2417, 2418, 2419, 2420, 2421, 2422, 2423, 2424, 2425, 2426, 2427, 2428, 2429, 2

Crime No.14 of 2020, on the file of the respondent, seek anticipatory bail.

2 The case of the prosecution as per the defacto complainant viz., Sheela is that the first accused got acquainted with her through face book and that they have developed friendship, loved each other and have also travelled to various places. Further allegation against the petitioner is that on the assurance of marrying the defacto complainant, he had sexual intercourse with her and later cheated her and also trying to marry another girl. When the same was questioned by the defacto complainant, the first accused along with other accused who are the relatives of the first accused, had threatened and intimidated her and also abused her in filthy language. Hence, the complaint.

3 In CrI.O.P.No.17343 of 2020:

The learned counsel appearing for the petitioner would submit that the petitioner is an innocent and that a false case has been foisted against him. He would submit that the petitioner is aged about 26 years, the defacto complainant is aged about 32 years and that they became friends through face book. He would submit that even as per FIR, the defacto complainant is the person who had taken the petitioner to various places and that they were having consensual affair. Later, in order to extract the money from the petitioner, the defacto complainant has given a false complaint as if the petitioner has refused to marry her and cheated her and also attempted to marry another girl. Hence, he prays to grant anticipatory bail to the petitioner.

4 In CrI.O.P.No.17384 of 2020:

The learned counsel appearing for the petitioners would submit that the petitioners are innocent and that a false complaint has been given against them as if they have abused and intimidated the defacto complainant through social media when she insisted the first accused to marry her. Hence, he prays to grant anticipatory bail to the petitioners.

5 The learned Additional Public Prosecutor appearing for the respondent would submit that the first accused, who is aged about 26 years, got acquainted with the defacto complainant through social media and that they have developed friendship, loved each other. He would submit that on the false promise of marrying the defacto complainant, the petitioner had sexual intercourse with her and later cheated her and when the same was questioned by the defacto complainant, the first accused along with his relatives has threatened and intimidated her. Hence, he opposed to grant anticipatory bail to the petitioners in both cases.

6 Heard both the counsels and perused the materials placed on record.

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

8 Accordingly, the petitioners are directed to be released on bail in the event of their arrest or on their appearance, within a period of fifteen days from the date on which the order copy made ready, before the learned Judicial Magistrate/Additional Mahila Court, Coimbatore, 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., 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, these Criminal Original Petitions are ordered.

-sd/-

05/11/2020

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/
ADDITIONAL MAHILA COURT, COIMBATORE.

2 THE CHIEF JUDICIAL MAGISTRATE
COIMBATORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS - EAST POLICE STATION,
COIMBATORE CITY,
COIMBATORE DISTRICT.

+1 CC to M/S.U.AZARUDHIN Advocate on payment of necessary
charges SR.NO.7295

+1 CC to M/S.R.PRABAKAR, Advocate on payment of necessary
charges SR.NO.7296

CRL OP.17343 & 17384/2020

Date :05/11/2020

TA-10/11/2020



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