



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A. D. JAGADISH CHANDIRA

CrI.O.P.No.17575 of 2020

Radhakrishnan

... Petitioner

Vs.

State Rep. By
State by the Inspector of Police,
Veraiyur Police Station,
Tiruvannamalai District.
(Crime No.2613 of 2020)

... Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., to enlarge the petitioner on bail in the event of his arrest in Connection with the Cr. No.2613 of 2020 pending on the file of the respondent police.

For Petitioner : M/s.M.Rebeca

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

ORDER

(This case has been heard through video conference)

The petitioner who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Sections 174 Cr.P.C @ Section 306, 506(1) of IPC r/w Section 4B of Tamil Nadu Prohibition of harassment of Women Act, in Crime No.2613 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution as per the defacto complainant viz. Indra is that her 3rd daughter, aged about 17 years, studying XII Std., used to deliver milk in the nearby farm and that the 1st accused, Sekar @ Sarangatharan used to tease and harass her daughter. While so, on 05.10.2020, while her daughter returned home after delivering milk, A1 / Sekar @ Sarangatharan, pulled her hands and harassed and teased her, due to which, on 06.10.2020, her daughter had committed suicide. Thereafter, on the same day of her suicide, the petitioner along with A1's brother came to the house of the defacto complainant and threatened them saying that they should not give complaint against their brother viz. A1 / Sekar @ Sarangatharan. Hence the complaint.



3. The learned counsel appearing 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 petitioner and the defacto complainant belong to the same village and that there was a love affair between the deceased and the petitioner's uncle A1 / Sekar @ Sarangatharan. Since it was opposed by both the families, the victim had committed suicide. Whereas, a false complaint has been given as if the petitioner's uncle/A1 had teased the victim and due to which she had committed suicide. The further allegation is that the petitioner along with other accused had threatened the defacto complainant not to give any complaint against his uncle. He would further submit that even as per F.I.R. the major allegations are only against the 1st accused / Sekar @ Sarangatharan, who is his uncle and he has been arrested. Hence, he prays for grant of anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) appearing for the respondent would vehemently oppose stating that the uncle of the petitioner had teased the daughter of the defacto complainant, due to which, she had committed suicide on 06.10.2020. He would further submit that investigation is pending.

5. Heard the learned Counsel on either side. Perused the F.I.R. and also the other materials placed on record.

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

7. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the Judicial Magistrate No.I, Thiruvannamalai 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 stay at Krishnagiri and report before the Krishnagiri Town Police Station everyday at 10.30 a.m. until further orders. The petitioner shall not enter into the jurisdictional limits of the respondent police.

[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 absconds, a fresh FIR can be registered under Section 229A IPC.

8. 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, THIRUVANNAMALAI.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVANNAMALAI [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
VERAIYUR POLICE STATION,
TIRUVANNAMALAI DISTRICT.

5 THE OFFICER INCHARGE
KRISHNAGIRI TOWN POLICE STATION,
KRISHNAGIRI.

+1 CC to M/S M.REBECCA Advocate on payment of necessary charges
SR.No.7520

CRL OP.17575/2020

Date :09/11/2020