

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Crl.O.P.No.17566 of 2020

Shanmugavel

... Petitioner

Vs.

The State Represented by,
Inspector of Police,
AWPS Cheyyar,
Tiruvannamalai District.
(Crime No.3/2020)

...Respondent

Prayer: Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge the petitioners on bail in the event of their arrest in Crime No.3 of 2020 on the file of the respondent police.

For Petitioner : Mr.G.Magesh 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 alleged offences punishable under Sections 417, 376, 506(I) of IPC, in Crime No.3 of 2020, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution as per the defacto complainant is that one Sathiyaraj breached his promise to marry the victim girl after having physical relationship. When the defacto complainant questioned about the same, the petitioner along with his wife and the said Sathiyaraj, intimidated the defacto complainant on 28.06.2020 . Hence, the complaint.

3.The learned counsel for the petitioner would submit that the petitioner is an innocent person and he has been falsely implicated in this case. He would further submit that this is the second application for anticipatory bail and this Court by order dated 16.09.2020 in Crl.O.P.No.14408 of 2020, was pleased to grant anticipatory bail to the petitioner. However, due to his illness, the petitioner was unable to execute the sureties, thereby, the earlier order got lapsed. Therefore, the present petition has been filed. He would further submit that the petitioner is the father of the main accused/Sathiyaraj and the petitioner and his wife were not aware of the relationship between the said Sathiyaraj and the defacto complainant. The wife of the petitioner was arrested and enlarged on bail on 22.07.2020 in Crl.O.P.No.10815 of 2020. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Additional Public Prosecutor would submit that the defacto complainant and A1 loved each other. Subsequently, A1 refused to marry the defacto complainant. When she questioned about the same, the petitioner along with his wife and son have threatened her. He would further submit that the wife of the petitioner has been released on bail. However, he opposed for grant of anticipatory bail to the petitioner.

5. 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;

6. Accordingly, the petitioner is directed to deposit a sum of Rs.1000/- (Rupees One Thousand Only) to the Legal Service Authority attached to the concerned Court and on such deposit and payment of proof, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days from the date on which the copy of the order is made ready, before the learned Mahela Fast Track (Sessions) Judge, Tiruvannamalai, 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 Inspector of Police, Steel Plant Police Station, Salem daily at 10.30 a.m., until further orders and the petitioner shall not go near the house of the defacto complainant.

[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.

7.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 MAHELA FAST TRACK (SESSIONS
JUDGE, TIRUVANNAMALAI

2 THE INSPECTOR OF POLICE,
STEEL PLANT POLICE STATION, SALEM

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
AWPS CHEYYAR, TIRUVANNAMALAI DISTRICT.

CC to M/S G.MAGESHKUMAR Advocate on payment of necessary
charges Sr.7411

CRL OP.17566/2020

Date :09/11/2020

RVR 19/11/2020

WEB COPY