

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2020

CORAM

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.17962 of 2020

Sengeni

... Petitioner

Versus

State Rep.by

... Respondent

The Inspector of Police,
Nellikuppam Police Station,
Cuddalore District.
(Crime No.1376 of 2020)

Criminal Original Petition filed under Section 438 Cr.P.C. to enlarge petitioner on bail in the event of his arrest in connection with Crime No.1376 of 2020 on the file of the respondent police.

For Petitioner : Mr.N.Sudharsan

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

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest for the alleged offences under Sections 147, 294(b) of IPC., and Section 3 & 4(a) of the Explosive Substance Act,1908, in Crime No.1376 of 2020 on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that on 1.08.2020, one Gurudhakshinamoorthy and some unknown persons went to the house of Sengeni and attempted to assault and also misbehave with her. Further, the accused and three other persons hurled country bomb at the scene of occurrence. Based on the complaint given by Sengeni, a case in Crime No.1376 of 2020 was registered for the offence under Sections 147, 294(b) of IPC and Section 3 & 4(a) of the Explosive Substances Act, 1908. Later, during the course of the investigation, it came to be known that the de-facto complainant the petitioner herein had given a false complaint to create a sensation, hence, the de-facto complainant is arrayed as an accused in this case.

3.The learned counsel appearing for the petitioner would submit that the petitioner is an innocent person and she has been falsely implicated in this case. He would further submitted that occurrence had happened on the night of 11.08.2020 and only on 16.08.2020 the complaint was given, whereas due to the political influence, the incident has been suppressed by the Police. Now, the petitioner has been made as accused. No other case is pending against the petitioner for investigation. Hence, he prays for grant of anticipatory bail to the petitioner.

4.The learned Government Advocate appearing for the respondent submitted that the petitioner herself had given a false complaint as if she was threatened by one Gurudhakishnamoorthy and his associates and then they also misbehaved with her. During the course of investigation, it was found that the petitioner gave a false complaint to create a sensation and therefore, the case been altered. Hence, he opposed for grant of anticipatory bail to the petitioner.

5.Considering the above facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.

6.Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on her appearance, within a period of fifteen days from the date on which the order copy was made ready, before the **Learned Judicial Magistrate No.I, Cuddalore, Cuddalore District**, on condition that the 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 conditions 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 final order in respect of the said deposit shall be passed by the learned trial Judge at conclusion of trial.

[c] the petitioner shall report before the respondent police daily at 10.30 a.m. until further orders.

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

[e] the petitioner 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 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]**.

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

-sd/-

08/12/2020

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,
NO.I, CUDDALORE,

2 THE CHIEF JUDICIAL MAGISTRATE
CUDDALORE. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
NELLIKUPPAM POLICE STATION,
CUDDALORE DISTRICT.

CC to M/S.N.SUDHARSAN Advocate on payment of necessary charges

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Date :08/12/2020

TA-16/12/2020