



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Criminal Jurisdiction)

Date : 16/10/2020

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PRESENT

The Hon'ble Mr.Justice G.K.ILANTHIRAIYAN

CRL OP(MD). No.11303 of 2020

Karthikeyan

... Petitioner/
Accused rank not known

Vs

The State rep. by
The Inspector of Police,
Bodinayakkanur Rural Police Station,
Theni District.
(Crime No. 303 of 2019).

... Respondent/Complainant

For Petitioner : Mr.R.Anand
for M/S.B.Arun,
Advocate.

For Respondent : Mr.K.Suyambulinga Bharathi,
Government Advocate (Criminal Side)

PETITION FOR ANTICIPATORY BAIL Under Section 438 of Cr.P.C

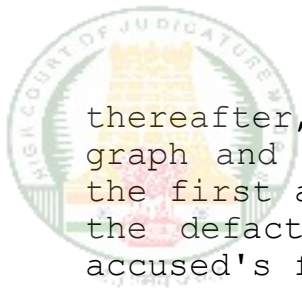
PRAYER :-

For Anticipatory Bail in Crime No.303 of 2019 on the file of the Respondent Police.

ORDER : The Court made the following order :-

The petitioner, who is arrayed as A7, apprehending arrest at the hands of the respondent police for the offences punishable under sections 376, 417, 420, 448, 506(i) of IPC and Section 67 of Information Technology Act, 2000, in Crime No.303 of 2019 on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the defacto complainant was maintaining the Saving Account at ICICI Bank. When she was visiting the bank, she has approached the first accused and believing his words in respect of job for her, the first accused had taken the victim and also had physical relationship. While such relationship, the first accused had also taken video graph and



thereafter, threatened the defacto complainant by showing video graph and had physical relationship on so many occasions. Further, the first accused threatening her by showing video graph, for which, the defacto complainant had physical relationship with the first accused's friends. Hence, the present complaint.

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3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate (Criminal Side) appearing for the respondent.

4. The learned counsel appearing for the petitioner submitted that the petitioner is the Branch Manager of ICICI Bank. He further submitted that absolutely there is no evidence to show that the petitioner is having physical relationship with the victim girl. He further submitted that the petitioner is an innocent person and he has not committed any offence as alleged by the prosecution and he has been falsely implicated in this case. He further submitted that the alleged occurrence took place in the year 2018, thereafter, the present complaint has been filed only on 09.06.2019. He further submitted that there is no explanation for delay in lodging the complaint. Hence, he seek anticipatory bail.

5. The learned Government Advocate (Criminal Side), appearing for the respondent Police submitted that totally there are seven accused in this case, in which, the petitioner has been arraigned as A7. The defacto complainant has approached the first accused and believing his words in respect of job for her, the first accused had taken the victim and also had physical relationship. While such relationship, the first accused had also taken video graph and thereafter, threatened the defacto complainant by showing video graph and had physical relationship on so many occasions. Further, the first accused threatening her by showing video graph, for which, the defacto complainant had physical relationship with the first accused's friends.

6. Earlier this Court, directed the respondent police to verify if any video is available on the mobile phone, which was seized from the first accused.

7. Today, the learned Government Advocate (Criminal Side) appearing for the respondent Police submitted that, there is no video available in the mobile phone, which was seized from the first accused.

8. Considering the facts and circumstances of the case and also considering the fact that there is no video to show that the petitioner is having physical relationship with the victim girl, this Court is inclined to grant anticipatory bail to the petitioner with certain conditions.



9. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or her appearance, within a period of two weeks from the date of receipt of a copy of this order, before the learned Judicial Magistrate, Bodinayakkanur, Theni District, on condition that the petitioner shall execute a bond for a sum of Rs.10,000/- (Rupees Ten Thousand only) with two blood sureties each for a like sum to the satisfaction of the respondent Police or to the Police Officer, who intends to arrest or to the satisfaction of the learned Magistrate concerned 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 respondent police daily at 10.30 a.m for a period of two weeks and thereafter, as and when required for interrogation.

(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]; and;

(f) if the accused/petitioner thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

sd/-
16/10/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant



TO

1. THE JUDICIAL MAGISTRATE,
BODINAYAKKANUR,
THENI DISTRICT.
2. -DO- THROUGH: THE CHIEF JUDICIAL MAGISTRATE,
THENI DISTRICT.
3. THE INSPECTOR OF POLICE,
BODINAYAKKANUR RURAL POLICE STATION,
THENI DISTRICT.
4. THE ADDITIONAL PUBLIC PROSECUTOR,
MADURAI BENCH OF MADRAS HIGH COURT,
MADURAI.

ORDER
IN
CRL OP(MD) No.11303 of 2020
Date :16/10/2020

VSG
SRS/ AKM/SAR-III/ 28.10.2020/ 4P/5C