

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:18.01.2021

CORAM

THE HONOURABLE MR. JUSTICE V.BHARATHIDASAN

Cr1.O.P.No.293 of 2021

1.M.Karthikeyan
2.M.Sathya
3.Ilanjiyam

.. Petitioners

Vs.

The State rep. by
The Inspector of Police
Padalam Police Station,
Padalam, Chengalpet District.
Cr.No.65 of 2020.

.. Respondent

Prayer: Criminal Original Petition filed under Section 438 of Criminal Procedure Code, praying to enlarge the petitioner on bail in the event of their arrest in Crime No.65 of 2020, on the file of the respondent police, pending investigation.

For Petitioners : Mr.K.A.Mariappan

For Respondent : Mr.S.Karthikeyan
Additional Public Prosecutor

O R D E R

The petitioners, who apprehend arrest for the alleged offences under Sections 294(b), 323, 506(i) IPC, r/w Section 4 of TN Prohibition of Women Harassment Act 2002, in Crime No.65 of 2020, on the file of the respondent Police, seek anticipatory bail.

2. The case of the prosecution is that the petitioners are ranked as A2 to A4. The allegation is that A1 is the brother of the first petitioner. A1 had sexual intercourse with the defacto complainant under the false promise of marrying her and due to the said relationship, she became pregnant. The defacto complainant came to know that the marriage of A1 was fixed with another lady and all the accused persons attacked the defacto complainant, thereby she sustained injuries. Hence, the complaint.

3.The learned counsel for the petitioners would submit that the petitioners are innocent persons and no way connected with this crime as alleged by the prosecution and they have been falsely implicated in this case and A1 is the main accused in this case. Hence, he prays for grant of anticipatory bail to the petitioners.

4.The learned Additional Public Prosecutor would submit that A1 is the main accused and he, under the guise of marrying the de facto complainant, had sexual intercourse with her, but, thereafter, he arranged marriage with another girl.

5.Taking into consideration the facts and circumstances of the case and also of the fact that the A1 is the main accused, this Court is inclined to grant anticipatory bail to the petitioners, subject to the following conditions:

6. Accordingly, the petitioners are ordered to be released on bail in the event of 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 No.I, Chengalpet, on condition that the petitioners 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 this petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix his 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 daily at 10.30 a.m for a period of two weeks and thereafter as and when required for interrogation.

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

-sd/-
18/01/2021

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,
CHENGALPET.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPET [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
PADALAM POLICE STATION,
PADALAM, CHENGALPET DISTRICT.

+1CC to M/S. K.A.MARIAPPAN Advocate on payment of necessary charges SR NO.489

सत्यमेव जयते CRL OP.293/2021

Date :18/01/2021

MK:01/02/2021

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