

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Fourth day of March Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice V. BHARATHIDASAN

CRIMINAL ORIGINAL PETITION No.4225 of 2021

THIRUMOORTHY @ PAUL THOMAS [PETITIONER / ACCUSED]

Vs

[RESPONDENT]

THE STATE REP.BY
THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POONAMALLEE,
CHENNAI DISTRICT.
CR.NO.24 OF 2019. DATED 18.10.2019.

For Petitioner : M/S.A.JAYAPRAKASH Advocate

For Respondent : MR.S.KARTHIKEYAN, ADDITIONAL PUBLIC PROSECUTOR

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

ORDER

(The case has been heard through video conference)

The petitioner, who apprehends arrest in connection with the case in Crime No.24 of 2019 on the file of the respondent police for the alleged offence u/s 498-A, 323, 406, 495 and 506(i) of IPC, seeks anticipatory bail.

2. I have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor and also perused the records carefully.

3. The petitioner has been arrayed as A5. A1 is the husband and A2 to A4 are in-laws of the de facto complainant. The petitioner is stated to be a Paster of a Church in the area. The allegation is that the petitioner had arranged the marriage of the de facto with A1 and the marriage was solemnized in his presence. After the marriage, A1 to A4 had started her harassing the de facto complainant. When the de facto complainant had informed the same to A5, the petitioner herein, he had tried to sexually assault her. Hence, the case has been registered on a complainant from the de facto complainant.

4. The learned counsel for the petitioner would submit that the

petitioner being paster in the local church conducted marriage and except that he had not committed any offence as alleged. According to the learned counsel, the petitioner is innocent and he has been falsely implicated. Further, according to him, co-accused were all released on bail.

5. The learned Additional public Prosecutor opposed the petition stating that an allegation of sexual assault is made against the petitioner. He would however submit that co-accused were released on bail.

6. Considering the fact the A1 to A4 were already released on bail and substantial portion of investigation is already over and no custodial interrogation will be required in this case and also on considering the other facts and circumstances of the case, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions :-

a) Accordingly, the petitioner is ordered to be released on bail, in the event of arrest or on his appearance, within a period of fifteen days from the date of receipt of a copy of this order, before **the learned Judicial Magistrate, No.I, Poonamallee** on executing a bond for a sum of Rs.10,000/- (Rupees ten thousand only) each 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:

[b] 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.

[c] **the petitioner shall report before the respondent police as and when required by the police for interrogation.**

[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 himself /Trial Court 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 absconds, a fresh FIR can be registered under Section 229A IPC.

With the above directions, this Criminal Original Petition is ordered.

-sd/-
04/03/2021

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, POONAMALLEE.

2 THE CHIEF JUDICIAL MAGISTRATE
THIRUVALLUR. [FOR INFORMATION]

3 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

4 THE INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
POONAMALLEE, CHENNAI DISTRICT.

CC to M/S.A.JAYAPRAKASH Advocate on payment of necessary charges

CRL OP.4225/2021

Date :04/03/2021

TA-17/05/2021

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