

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Tuesday, the Twenty Seventh day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.4721 of 2021

G.KARTHIK

[PETITIONER / ACCUSED]

Vs

STATE BY

[RESPONDENT]

INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENGODE, NAMAKKAL DISTRICT.
CR.NO.13 OF 2020.

For Petitioner : M/S.P.SARAVANA SOWMIYAN Advocate

For Respondent :MR. T.SHUNMUGARAJESWARAN, Govt. Advocate (Crl. Side)

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

ORDER : The Court Made the following order :-

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences under Sections 294(b), 417 and 376 IPC in Crime No.13 of 2020, on the file of the respondent police, seeks anticipatory bail.

2. The case of the prosecution is that the petitioner, on the false promise of marrying the de-facto complainant, had sexual intercourse with her and thereafter, refused to marry her and also criminally intimidated her.

3. The learned counsel for the petitioner would submit that the petitioner is innocent and he did not commit any offence as alleged by the prosecution. Hence, he prays to grant anticipatory bail to the petitioner.

4.The learned Government Advocate (Crl. Side) would submit that a statement under Section 164 of Cr.P.C has been recorded from the victim girl and she did not co-operate for conducting the medical examination.

5.Considering the facts and circumstances of the case and also the nature of the allegations levelled against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner subject to the following conditions:

6.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.II, Tiruchengode, 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 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 Court concerned 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 until further orders.

(c) the petitioners 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

27/04/2021

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.II, TIRUCHENGODE

2 THE CHIEF JUDICIAL MAGISTRATE
NAMAKKAL (FOR INFORMATION)

3 INSPECTOR OF POLICE,
ALL WOMEN POLICE STATION,
TIRUCHENGODE, NAMAKKAL DISTRICT.

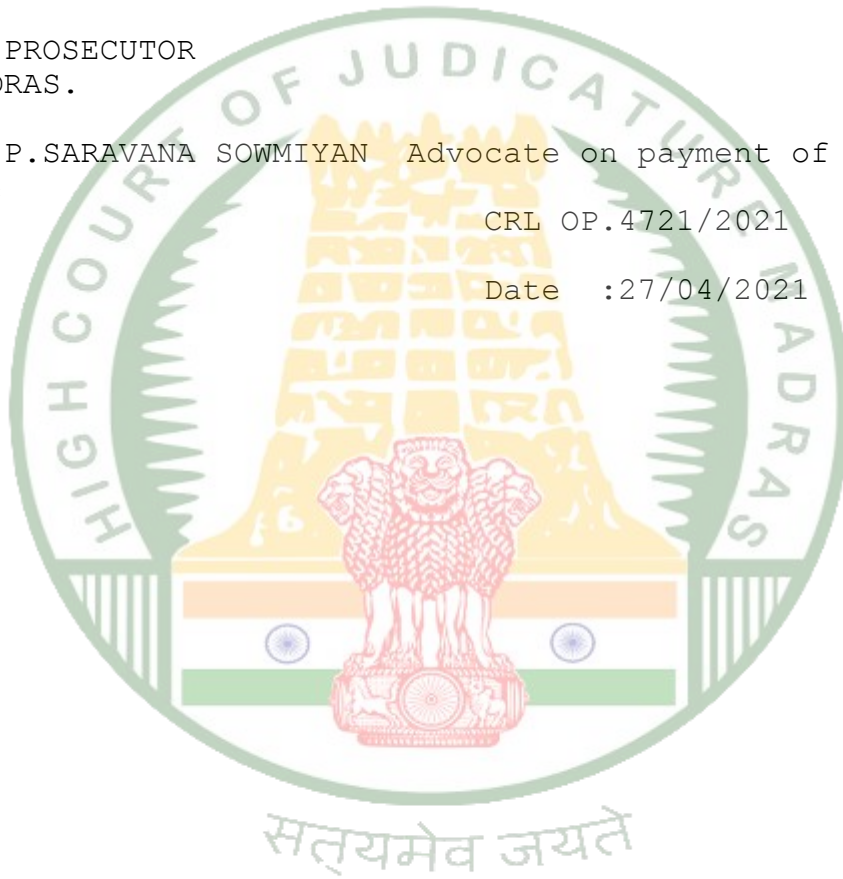
4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.P.SARAVANA SOWMIYAN Advocate on payment of necessary
charges Sr.5604

CRL OP.4721/2021

Date :27/04/2021

RVR 04/05/2021



WEB COPY