

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Criminal Jurisdiction)

Thursday, the Eighth day of April Two Thousand Twenty One

PRESENT

The Hon`ble Mr Justice M.DHANDAPANI

CRIMINAL ORIGINAL PETITION No.5485 of 2021

N.ARSHATH

[PETITIONER/ ACCUSED]

vs

STATE REP BY
THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUPPUR DISTRICT.
CRIME NO.87/2021

[RESPONDENT/COMPLAINANT]

For Petitioner : M/S.R.RAJPRABHU Advocate

For Respondent : M/S.K.PRABAKAR, Additional Public Prosecutor

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

ORDER : The Court Made the following order :-

(The case has been heard through video conference)

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offence under Section 354 of IPC in Crime No.87 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner is a doctor and the defacto complainant is working as Assistant in a clinic of the petitioner. On the date of occurrence, the petitioner is said to have committed sexual assault on the defacto complainant. Hence, the complaint was registered.

3.The learned counsel appearing for the petitioner would submit that the petitioner is innocent and he has no way connected with the alleged offence as prosecuted by the respondent and he has been falsely implicated in this case. Therefore, he prays for grant of anticipatory bail to the petitioner.

4. The learned Additional Public Prosecutor would submit that the petitioner is said to have committed sexual assault on the defacto complainant. He also submitted that there is no bad antecedents against the petitioner.

5.Considering the submission so made by the learned counsel for the petitioner and no bad antecedents against the petitioner, this Court is inclined to grant anticipatory bail to the petitioner.

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 IV, Tiruppur, 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 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 thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

-sd/-

08/04/2021

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 IV,
TIRUPPUR.
2. THE CHIEF JUDICIAL MAGISTRATE
TIRUPPUR DISTRICT. (FOR INFORMATION)
3. THE INSPECTOR OF POLICE,
MANGALAM POLICE STATION,
TIRUPPUR DISTRICT.
4. THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

CC to M/S.R.RAJPRABHU Advocate on payment of necessary charges

CRL OP.5485/2021

Date :08/04/2021

TK/23.04.2021



WEB COPY